FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 29—TOBACCO INSPECTION

DESIGNATING TWELVE FLUE-CURED TOBACCO MARKETS IN GEORGIA, SOUTH CAROLINA, NORTH CAROLINA, AND VIRGINIA, UNDER THE TOBACCO INSPECTION ACT

§ 29.301 *Orders of designation of tobacco markets.*

* * * * *

(q) Pursuant to authority conferred upon the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C., Supp. V. secs. 511–511q), the flue-cured tobacco markets at Hahira, Metter, and Statesboro, Georgia; Dillon, Loris, and Timmonsville, South Carolina; Fuquay Springs-Varina, Reidsville, Robersonville, Tarboro, and Williamston, North Carolina; and Danville, Virginia, are designated as markets at which transactions in tobacco are subject to the provisions of The Tobacco Inspection Act.

Effective thirty days from this date, no tobacco shall be offered for sale at auction on said markets until such tobacco shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under The Tobacco Inspection Act: *Provided, however,* That the requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the markets designated herein.

Done at Washington, D. C. this 16th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-6064; Filed, August 16, 1941; 10:59 a. m.]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1942]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUBPART D—1942

Sec.

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Payments will be made for participation in the 1942 Agricultural Conservation Program (hereinafter referred to as the 1942 program) in accordance with the provisions of this subpart and such modifications thereof as may hereafter be made.

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.*[1] County allotments will be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, in accordance with the provisions contained herein. Farm allotments, permitted acreages, usual acreages, farm normal yields, and farm grazing capacities shall be determined, and restoration land shall be designated, by the county committee, with the assistance of the appropriate local committees in the county, in accordance with the provisions contained herein and instructions issued by the Agricultural Adjustment Administration.

(a) *Corn*—(1) *National and State acreage allotments.* The national and State corn allotments will be established by the Secretary.

(2) *County acreage allotments.* County allotments of corn for counties in the commercial corn area shall be determined by distributing the corn allotment established for the commercial corn area within the State among such counties in such State pro rata on the basis of the acreage seeded for the production of corn plus the acreage diverted from corn under the agricultural adjustment and conservation programs in such counties during the ten years 1931 to 1940, with adjustments for abnormal weather conditions and trends in acreage.

(3) *Farm acreage allotments.* Corn allotments shall be determined for farms in the commercial area. The allotment for each farm shall be determined on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of corn for the farm, with adjustments of not to exceed 50 percent for types of soil and topography.

For those farms for which the 1941 corn allotments reflect these factors in accordance with the conditions as applicable in 1942, the 1941 allotments may be used in determining 1942 allotments. If the county committee determines that the 1941 allotment for a farm does not reflect these factors in accordance with the conditions applicable in 1942 due to a change in type of farming operations, change in farm land, change in cropland acreage, drought, flood, or any other unusual conditions, an allotment shall be determined which reflects the factors as applicable in 1942. Such allotment shall be determined on the basis of the foregoing factors or the average ratio of 1941

[1] The rates of payment in connection with crop acreage allotments which are not included in this bulletin will be determined and announced by the Secretary as soon as the statistics upon which they are required to be based become available.

corn allotments to cropland for similar farms in the county.

The allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to the foregoing factors. The corn allotments determined for the farms in a county shall not exceed the county corn allotment.

(4) *Normal yields.* For each farm for which a corn allotment is determined or a deduction with respect to corn is computed, a normal yield of corn shall be determined as follows:

(i) Where reliable records of the actual average yields per acre of corn for the ten years 1931 to 1940 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for trends in yields and abnormal weather conditions;

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because corn was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield in years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period; and

(iii) The yields determined under subdivision (ii) of this subparagraph shall be adjusted so that the weighted average of the normal yields for all farms in the county shall not exceed the county yield established by the Secretary.

(5) *Commercial corn area, commercial corn-producing area.* "Commercial corn area" or "commercial corn-producing area" means the counties designated by the Agricultural Adjustment Administration with the approval of the Secretary. This area will include the counties which have produced an average of at least 450 bushels of corn per farm and 4 bushels of corn per acre of farm land during the past ten years. It will also include bordering counties containing townships producing and likely to produce an average of 450 bushels of corn per farm and 4 bushels of corn per acre of farm land.

(6) *Non-corn-allotment farm.* "Non-corn-allotment farm" means a farm in the commercial corn area (i) for which no corn allotment is determined or (ii) for which a corn allotment of 15 acres or less is determined and the acreage planted to corn exceeds the allotment by 10 percent or more.

(7) *Acreage planted to corn.* "Acreage planted to corn" means the acreage of land on which field corn is planted (except any acreage of sown corn used as a cover crop or green manure crop) and the acreage of sweet corn used for livestock feed: *Provided,* That all or any part of any corn acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to corn on the farm, may be considered as not having been planted to corn.

(8) *Payment.* (Corn-allotment farms) — cents per bushel of the normal yield of corn for the farm for each acre in the corn allotment.

(9) *Deduction.* (i) (Corn-allotment farms) Ten times the payment rate for each acre planted to corn in excess of the corn allotment.

(ii) (Non-corn-allotment farms in the commercial corn area) Ten times the payment rate for each acre planted to corn in excess of 15 acres.

(b) *Cotton*—(1) *National and State acreage allotments.* The national and State cotton allotments will be established by the Secretary.

(2) *County acreage allotments.* (i) County cotton allotments shall be determined as follows: The State cotton allotment (less not to exceed one percent for use in determining permitted acreages for farms on which cotton will be planted in 1942 but on which cotton was not planted in any of the years 1939, 1940, and 1941) shall be prorated among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under the agricultural conservation programs during the five years 1936 to 1940, adjusted for abnormal weather conditions and for trends in acreage: *Provided,* That there shall be added to the allotment so determined for each county the number of acres required to provide an allotment in such county of not less than 60 percent of the acreage planted to cotton in such county in 1937 plus 60 percent of the acreage diverted from cotton in the county under the 1937 Agricultural Conservation Program (hereinafter referred to as the 1937 program).

(ii) In administrative areas which were treated separately for 1941 and in any additional administrative areas where the Agricultural Adjustment Administration finds that, because of differences in types, kinds, and productivity of the soil or other conditions, one or more of the administrative areas in any county should be treated separately in order to prevent discrimination, the county allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from cotton under the 1937 program, or, if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, then on the basis of the cotton base acreages determined under the 1937 Cotton Price Adjustment Payment Plan. Allotments to the farms within each such administrative area shall be made in the manner provided in subparagraph (3) of this paragraph (b) for the apportionment of county cotton allotments among farms.

(3) *Farm acreage allotments.* Farm allotments for cotton shall be determined as follows:

(i) County cotton allotments shall be apportioned among the farms in the county on which cotton was planted in any one or more of the years 1939, 1940, and 1941 in a manner that will result in a cotton allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1941 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of sugar cane for sugar, wheat, tobacco, or rice, for market, or wheat or rice for feeding to livestock for market, except that:

(*a*) For any such farm with respect to which the highest acreage planted to cotton and diverted from cotton under the agricultural conservation program in any one of the three years 1939, 1940, and 1941 is less than 5 acres, the cotton allotment for the farm shall be such highest number of acres if the county cotton allotment is sufficient therefor.

(*b*) For any such farm with respect to which the highest number of acres planted to cotton and diverted from cotton under the agricultural conservation program in any one of the three years 1939, 1940, and 1941 is 5 acres or more, the allotment for the farm shall not be less than 5 acres if the county cotton allotment is sufficient therefor; and

(*c*) Notwithstanding the foregoing provisions of this subdivision (i), a number of acres equal to not more than 3 percent of the county allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from cotton under the agricultural conservation program for any one of the years 1939, 1940, and 1941 was less than 5 acres and the number of acres required for allotments of 5 acres for each other farm in the county on which cotton was planted in 1939, 1940, or 1941 may be apportioned among farms in the county on which cotton was planted in 1939, 1940, or 1941, and for which the allotment otherwise provided is 5 acres or more but less than 15 acres.

In making such allotments under item (*c*) of this subdivision (i), due consideration and weight shall be given to the land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this subdivision (i) exceed the highest number of acres planted to cotton and diverted from cotton under the agricultural conservation program in any one of the three years 1939, 1940, and 1941.

(ii) In case the county allotment is insufficient to provide allotments to farms in the county which are determined to

be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms such part of a State reserve equal to 4 percent of the State allotment as is necessary to give such farms allotments in conformity with subdivision (i) of this subparagraph which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under items (*a*) and (*b*) of subdivision (i).

(iii) If the cotton allotments for any farms are substantially smaller than the cotton allotments which would have been made without regard to the provisions of items (*a*) and (*b*) of subdivision (i) above, the cotton allotments for such farms shall be increased to the acreage which would have resulted in the absence of such provisions insofar as the remaining portion of the 4-percent State reserve will permit after making allotments under subdivision (ii) above.

(iv) After allotments have been made from the 4-percent State reserve as provided in subdivisions (ii) and (iii) above, any remaining acreage in the reserve shall be apportioned as follows: (*a*) one-half of any remainder of the 4-percent reserve shall be available for increasing the allotments for any farms which are determined to be inadequate and not representative in view of past production on the farm; (*b*) any necessary part of the other one-half of the remainder of the 4-percent reserve shall be apportioned to counties to equal any reduction in 1942 from 1940 county allotments resulting from increases in national cotton yields in apportioning the national baleage allotment, and to counties where farm allotments have been substantially reduced because of new farms coming into the production of cotton since 1938; and (*c*) any acreage of the 4-percent reserve not otherwise used shall be apportioned to farms for which the allotment otherwise determined is less than 50 percent of the sum of the acreage planted to cotton in 1937 and the acreage diverted from cotton production in 1937 under the 1937 program, except that the excess of such acreage, if any, over the allotments under subdivision (v), below, for the State may be added to the reserve provided in subdivision (iv) (*a*) above: *Provided,* That the cotton allotment for any farm shall not be increased under this subdivision (iv) above the highest number of acres planted to cotton and diverted from cotton under the agricultural conservation program in any one of the three years 1939, 1940, and 1941: *Provided further,* That the cotton allotment for any farm shall not be increased under subdivisions (*a*) and (*b*) above 40 percent of the acreage on such farm which is tilled annually or in regular rotation, except in States, in irrigated areas, for which the total acreage available for such adjustment is less than 10,000 acres and the Agricultural Adjustment Administration determines that the application of this limitation would prevent the determination of allotments which are adequate and representative in view of past production on the farms.

(v) Notwithstanding the provisions of subdivisions (i), (ii), (iii), and (iv) above, the cotton allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage determined by the county committee to have been planted to cotton in 1937 and the acreage determined to have been diverted from cotton under the 1937 program: *Provided,* That the cotton allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(vi) After making the cotton allotments according to the foregoing provisions of this subparagraph (3), any part of the cotton allotment apportioned to any farm which the operator releases to the county committee because it will not be planted to cotton in 1942 shall be deducted from the allotment to such farm and the acreage so deducted may be apportioned to other cotton farms in the State, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. In such apportionment the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of the farm for an additional allotment to meet the requirements of the families engaged in the production of cotton in 1942 on the farm: *Provided,* That the cotton allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(vii) The cotton allotment for any land which is removed from agricultural production because of acquisition, by a State or Federal agency or for use for industrial purposes, in connection with the National Defense Program shall be considered as released to the State committee because it will not be planted in 1942 and shall be available only for providing equitable allotments for farms operated by persons who in 1941 were producers of cotton on such land. Insofar as possible, the allotments for such farms shall be comparable with the allotments for other farms in the locality, taking into consideration the allotment for the farm on which the operator was located in 1941: *Provided,* That the cotton allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(viii) In Arizona, California, and New Mexico the cotton allotment determined in accordance with the foregoing provisions shall be decreased (*a*) by two-thirds for any farm for which no cotton allotment was determined for 1941 but on which cotton was planted in 1941; (*b*) by one-third for any farm for which no cotton allotment was determined for 1940 but on which cotton was planted in 1940; (*c*) by two-thirds of the amount of the increase in the cotton allotment resulting from overplanting in 1941 of the cotton allotment determined for the farm for 1941; and (*d*) by one-third of the amount of the increase in the cotton allotment resulting from overplanting in 1940 of the cotton allotment determined for the farm in 1940.

(4) *Permitted acreages.* Permitted acreages for farms on which cotton will be planted in 1942 but on which cotton was not planted in any of the years 1939, 1940, and 1941 will be determined on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton, taking into consideration also the producer's farming plans. As a reflection of the several factors to be taken into consideration, the acreage on the farm which will be tilled in 1942 or was tilled in 1941 will be the basic index of the farm's capacity for cotton production: *Provided,* That the permitted acreage shall not exceed an acreage equal to 50 percent of the county cotton factor, determined under paragraph (3), times the adjusted tilled acreage in the farm, except that (i) for any such farm with respect to which the county committee's recommendation of a permitted acreage is less than 3 acres such recommendation shall be the cotton permitted acreage for the farm if the State reserve for new farms is sufficient therefor, or for any such farm with respect to which the county committee's recommendation of a permitted acreage is 3 acres or more the permitted acreage for the farm shall not be less than 3 acres if the State reserve for new farms is sufficient therefor, taking into consideration also the local committee's recommendation, and (ii) for a farm on which the operator was, in 1941, a producer of cotton on land subsequently removed from agricultural production because of acquisition, by a State or Federal agency or for use for industrial purposes, in connection with the National Defense Program, the county cotton factor times the adjusted tilled acreage for the farm may be regarded as the basic index of the farm's capacity for cotton production. The sum of the permitted acreages for all such farms in the State shall not exceed the State reserve therefor.

(5) *Normal yields.* For each farm for which a cotton allotment is determined or a reduction is computed, there shall be determined a normal yield for cotton as follows:

(i) Where reliable records of the actual average yield of cotton per acre for the five years 1936 to 1940 are presented by the farmer or are available to the committee, the normal yield for the farm

shall be the average of such yields, adjusted for abnormal weather conditions;

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton was not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield in years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period; and

(iii) The yields determined under subdivision (ii) of this paragraph (5) shall be adjusted so that the weighted average of the normal yields determined for all farms in the county or administrative area shall not exceed the county or administrative area yield established by the Secretary.

(6) *Acreage planted to cotton* means the acreage of land seeded to cotton, except that (i) if any acreage in excess of the allotment or permitted acreage fails to reach the stage of growth at which bolls are first formed, (ii) if any acreage in excess of the allotment or permitted acreage is disposed of within ten days after notice of the amount of acreage seeded to cotton is given, where such notice is not given ten days prior to the time bolls are first formed, or (iii) if substantially all the cotton produced on a particular acreage is determined to be cotton, the staple of which is 1½ inches or more in length, then such acreage shall not be considered as planted to cotton.

(7) *Payment.* — cents per pound of the normal yield of cotton for the farm for each acre in its cotton allotment.

(8) *Deduction.* Ten times the payment rate for each acre planted to cotton in excess of its cotton allotment or, in the case of a farm on which cotton is planted in 1942 and on which cotton was not planted in 1939, 1940, or 1941, for each acre in excess of its permitted acreage.

(c) *Peanuts*—(1) *National and State acreage allotments.* The national and State peanut allotments will be established by the Secretary.

(2) *Farm acreage allotments.* Peanut allotments shall be determined for all farms (i) for which a 1941 peanut allotment was determined and on which peanuts were produced during any of the years 1939, 1940, or 1941, and (ii) for which a 1941 peanut allotment was not determined but on which peanuts were produced in 1939 or 1940, on the basis of the average acreage of peanuts grown on the farm in the three years 1939, 1940, and 1941, and the tillable acreage available for the production of peanuts on the farm, taking into consideration the peanut allotments determined for the farm under previous agricultural conservation programs and the other crop allotments determined for the farm for 1942: *Provided, however,* That any acreage of peanuts harvested in excess of the 1941 farm peanut allotment shall not be considered in determining the 1942 peanut allotment. The sum of the peanut allotments for all farms in the State shall not exceed the State peanut allotment.

(3) *Normal yields.* Normal yields for peanuts for farms with respect to which peanut allotments are determined or deductions are computed with respect to peanuts shall be determined on the basis of the yields for peanuts made on the farm during the five years 1936–40, inclusive, with due consideration to type of soil, production practices, and the general fertility of the land. The weighted average yield for all farms in any county shall not exceed the county yield established by the Secretary.

(4) *Peanuts.* "Peanuts" means all peanuts harvested for nuts on any farm on which any peanuts are picked and threshed by mechanical means.

(5) *Payment.* — per ton of the normal yield of peanuts for the farm for each acre in its peanut allotment.

(6) *Deduction.* Ten times the payment rate for each acre of peanuts in excess of the peanut allotment less the acreage, if any, by which the farm cotton allotment (or an erroneously issued cotton allotment when such allotment is used for determining performance in accordance with §701.309 (f)) exceeds the acreage planted to cotton on the farm, but not to exceed the maximum peanut payment computed for the farm, unless the county committee determines that peanuts grown on an acreage in excess of the peanut allotment were marketed for purposes other than crushing for oil: *Provided,* That nothing in this subparagraph shall be construed as reducing the acreage of excess peanuts upon which deduction is computed even though the amount of the deduction is reduced to the maximum computed peanut payment: *Provided further,* That no deduction will be made if the acreage of peanuts on the farm is one acre or less.

(d) *Potatoes*—(1) *National and State acreage allotments.* The national and State potato allotments will be established by the Secretary.

(2) *Farm acreage allotments.* The State allotment shall be apportioned among commercial potato farms in the State on which potatoes were harvested in any one or more of the years 1939, 1940, and 1941 on the basis of the past acreage of potatoes harvested on the farm and the past acreage of potatoes harvested by the operator of the farm during such years, taking into consideration the acreage of cropland on the farm and the allotments determined for the farm under previous agricultural conservation programs: *Provided,* That in any county or other administrative area in which the regional director with the approval of the Agricultural Adjustment Administration finds that the production of potatoes is carried on largely by persons who normally grow the potatoes on different farms from one year to the next, with consequent reduction of the part of the potato crop normally harvested in the area on the same farms from one year to the next, that part of the total acreage available for allotment to farms, in such area, which the regional director with the approval of the Agricultural Adjustment Administration finds to represent the portion of the potato production in the area of persons who normally grow potatoes on different farms from one year to the next, shall be allotted to be such persons, in such area, on the farms on which such persons grow potatoes, on the basis of the past acreages of potatoes harvested by such persons, without consideration of the past acreage of potatoes harvested on the farm.

Not more than 2 percent of the national allotment shall be apportioned among farms (other than farms which are operated by persons to whom allotments were made on the basis of the potato-growing experience of the operator in accordance with the foregoing proviso) which will be commercial potato farms in 1942 but on which potatoes were not harvested in any of the years 1939, 1940, and 1941, on the basis of the acreage of cropland in the farm and past acreage of potatoes harvested by the operator of the farm.

No potato allotment of less than three acres will be determined for any farm.

(3) *Normal yields.* For each farm for which a potato allotment is determined or a deduction with respect to potatoes is computed, a normal yield of potatoes shall be determined on the basis of the yields of potatoes harvested on the farm in the five years 1936 to 1940 with due consideration for type of soil, production practices, and the general fertility of the land. The weighted average yield for all commercial farms in any county shall not exceed the county yield established by the Secretary for commercial potato farms.

(4) *Commercial potato farm.* A "commercial potato farm" is any farm on which the average acreage of potatoes harvested during the three years 1939 to 1941 is three acres or more, and including also farms on which the county committee determines that three acres or more of potatoes will be harvested in 1942.

(5) *Acreage of potatoes harvested.* "Acreage of potatoes harvested" means the acreage of land from which potatoes are harvested except the acreage of potatoes grown in home gardens for use on the farm.

(6) *Payment.* — cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment, except that no payment will be made with respect to any farm on which no potatoes were harvested in any of the three years 1939 to 1941 and the operator of which did not harvest any potatoes on any other farm during such period.

(7) *Deduction.* Ten times the payment rate for each acre of potatoes harvested in excess of the larger of its potato allotment or three acres, or on a farm for which no allotment is determined, in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms, for each acre of potatoes harvested for market in excess of three acres.

(e) *Rice*—(1) *National and State acreage allotments.* The national and State rice allotments will be established by the Secretary.

(2) *Farm acreage allotments and permitted acreages.* Farm rice allotments and permitted acreages will be determined by State and county committees, with the assistance of other local committees in the county, as follows:

(i) The allotment for a farm tilled by a producer who participated in the production of rice in one or more of the five years 1937 to 1941, and who will participate in the production of rice in 1942, shall be determined on the basis of his past production of rice as reflected in the average acreage of rice for the five years 1937 to 1941, adjusted to the acreage on the farm adapted to the production of rice, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural conservation programs and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(ii) An acreage not to exceed 3 percent of the State rice allotment shall be apportioned as farm permitted acreages among farms tilled by producers who are participating in the production of rice in 1942 for the first time since 1936, on the basis of the applicable standards of apportionment set forth in subdivision (i) of this subparagraph, except that the rice permitted acreage for any such farm shall not exceed 75 percent of the rice allotment that would have been made to the farm had such person(s) participated in the production of rice in one or more of the five years 1937 to 1941. If the 1942 acreage of rice on a farm tilled solely by producers who are participating in the production of rice in 1942 for the first time since 1936 is less than the 1942 rice permitted acreage, the final 1942 rice permitted acreage shall be reduced to the 1942 rice acreage.

The sum of the rice allotments and permitted acreages in a State shall not exceed the State rice allotment.

(3) *Normal yields.* The State and county committees, with the assistance of other local committees in the county, shall determine for each farm for which a rice allotment or permitted acreage is determined or a deduction is computed with respect to rice a normal yield for rice in accordance with the following provisions:

(i) Where reliable records of the actual average yield of rice per acre for the five years 1937 to 1941 are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under subdivision (i) of this subparagraph (3).

(iii) If the weighted average of the normal yields for all farms in the State exceeds the average yield per acre for the State during the five years 1937 to 1941 established by the Secretary, the normal yields for all such farms shall be reduced pro rata so that the weighted average of such normal yields shall not exceed such State average yield.

(4) *Payment.* — cents per 100 pounds of the normal yield per acre of rice for the farm for each acre in its rice allotment.

(5) *Deduction.* Ten times the payment rate for each acre planted to rice in excess of its rice allotment or permitted acreage, whichever is applicable: *Provided,* That all or any part of any acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other rice acreage planted on the farm, may be considered as not having been planted.

(f) *Tobacco*—(1) *National and State acreage allotments.* The national and State allotments for each kind of tobacco will be established by the Secretary.

(2) *Farm acreage allotments and permitted acreages.* The State allotment for each kind of tobacco, except flue-cured and Burley, shall be allotted among farms in the State on which such kind of tobacco was produced in one or more of the five years 1937 to 1941 on the basis of the acreage allotments determined for the farms for 1941, with such adjustments as will take into account changes since 1940 in the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; crop-rotation practices; the soil and other physical factors affecting the production of tobacco; and the adjustments for small farms.

In the case of flue-cured tobacco the allotments for 1942 shall be determined by increasing or decreasing each 1941 farm allotment by the same percentage by which the 1942 national marketing quota for flue-cured tobacco is increased or decreased from the 1941 national marketing quota: *Provided,* That no flue-cured tobacco farm allotment shall be reduced by more than 10 percent below the 1941 farm allotment, and no allotment shall be decreased below the smaller of 2 acres or the 1941 allotment.

In the case of Burley tobacco, for farms producing tobacco in one or more of the five years 1937 to 1941, the allotments for 1942 shall be determined by increasing or decreasing each 1941 farm allotment by the same percentage by which the 1942 national marketing quota for Burley tobacco is increased or decreased from the 1941 national marketing quota: *Provided,* That no farm allotment of Burley tobacco shall be reduced by more than 10 percent below the 1941 farm allotment and no Burley tobacco allotment shall be decreased below the larger of (i) the 1939 allotment if such allotment was one-half acre, or less, or (ii) the 1940 allotment, if such allotment was not over one acre, except that if the 1939 allotment was more than one-half acre and the 1940 allotment was less than one-half acre, the 1942 allotment shall be one-half acre.

In the case of both flue-cured and Burley tobacco, an acreage not in excess of 2 percent of the total acreage allotted to all farms in each State for 1941 shall be available to county committees for making adjustments in accordance with regulations prescribed by the Secretary. The county committees may use this acreage to increase farm allotments where such increase is necessary in order to make them comparable with allotments determined for other farms which are similar with respect to past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco.

For any farm for which the 1941 tobacco allotment was reduced because of a marketing quota violation, the original 1941 allotment as determined before such reduction shall be used in determining the 1942 allotment.

Notwithstanding any foregoing provision, any tobacco allotment may, in the case of violation of the marketing quota regulations for the 1941–42 marketing year, be decreased by that percentage which the amount of tobacco marketed in violation of such regulations is of the farm marketing quota.

Permitted acreages shall be determined for farms on which tobacco is produced in 1942 for the first time since 1936 on the basis of the tobacco-producing experience of the farm operators; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. If the acreage planted to tobacco in 1942 on any such farm is less than the 1942 permitted acreage, the permitted acreage shall be reduced to the acreage planted to tobacco.

(3) *Normal yields.* For each farm for which a tobacco allotment or permitted acreage is determined or a deduction with respect to tobacco is computed, a normal yield for tobacco shall be determined as follows:

(i) The normal yield for any farm on which tobacco was produced in one or more of the five years 1937 to 1941 shall be determined on the basis of the normal yield determined for the farm for 1941, or on the basis of the yields of tobacco made on the farm in the five years 1936 to 1940, taking into consideration the soil and other physical factors affecting production of tobacco on the farm and the yields obtained on other farms in the locality which are similar with respect to such factors.

(ii) The normal yield for any farm on which tobacco is produced in 1942 for the first time since 1936 shall be that yield per acre which is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(iii) The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county by the Secretary.

(4) *Payment.* The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco allotment for each of the following kinds of tobacco:

Burley	— cent
Flue-cured	— cent
Dark air-cured	— cent
Fire-cured	— cent
Virginia sun-cured	— cent
Cigar-filler tobacco Type 41	— cent
Cigar-filler and binder (except Types 41 and 45)	— cent
Georgia-Florida Type 62	— cent

(5) *Deduction.* Ten times the payment rate for each acre of tobacco harvested in excess of the applicable tobacco allotment or permitted acreage, whichever is applicable.

(g) *Wheat*—(1) *National and State acreage allotments.* The national wheat acreage allotment is 55,000,000 acres. The State wheat allotments shall be identical with the 1942 State wheat allotments established May 17, 1941, under Title III of the Agricultural Adjustment Act of 1938, as amended.

(2) *County acreage allotments.* County allotments shall be determined by distributing the State allotment, less appropriate reserves, among the counties in such State pro rata on the basis of the acreage seeded for the production of wheat plus the acreage diverted under agricultural adjustment or conservation programs in such counties during the ten years 1931 to 1940, with appropriate adjustments for abnormal weather conditions and trends in acreage.

(3) *Farm acreage allotments and permitted acreages.* Farm allotments shall be determined for farms on which wheat was planted for harvest in one or more of the years 1939, 1940, and 1941, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreages of wheat on the farms, with adjustments of not to exceed 25 percent on account of the types of soil and topography. The usual acreage shall be the average annual acreage of wheat seeded for harvest plus the acreage diverted from the production of wheat under agricultural conservation programs during three or more consecutive years of the six years 1936 to 1941. Years in which the acreage seeded to wheat (i) was abnormally low due to extreme flood or drought, (ii) is not typical of the farm for 1942 due to customary crop-rotation practices, a change in such practices, or a change in the acreage of cropland on the farm, or (iii) was abnormally high due to failure of crops other than wheat, shall be eliminated in determining the usual acreage. If all the years of the period are either thus eliminated or eliminated for lack of data, the usual acreage shall be appraised by comparing the farm with other farms in the community or county which are similar with respect to crop rotation practices, tillable acres, type of soil and topography, and for which usual acreages have been determined, or by the ratio of wheat acreage to cropland in the community or in the county. For those farms for which the usual acreages used in determining 1941 wheat allotments satisfy the foregoing conditions, the 1941 usual wheat acreages may be used in determining 1942 wheat allotments, taking into consideration the seeded wheat acreages (adjusted for participation) in the next successive year after the last year used in determining the 1941 usual acreage, if necessary to obtain the proper relationship between farms. Usual acreages may be adjusted, if not representative for 1942, by comparison with a farm or group of farms for which the usual acreages are representative for 1942. Not less than 97 percent of the county allotment, less appropriate reserves, shall be apportioned on the basis of the usual acreages so determined.

Permitted acreages for farms on which wheat will be seeded for harvest in 1942 but on which wheat was not seeded for harvest in any of the three years 1939, 1940, and 1941 will be determined on the basis of tillable acreage, crop rotation practices, and types of soil and topography taking into consideration the producer's farming plans for 1942. Not more than 3 percent of the county wheat allotment shall be apportioned to such farms in a county. If the acreage seeded to wheat for harvest in 1942 on any such farm is less than the 1942 permitted acreage, the permitted acreage shall be reduced to the acreage seeded to wheat.

The wheat allotment or permitted acreage for any farm shall compare with the wheat allotment or permitted acreages determined for other farms in the same community which are similar with respect to the foregoing factors, and the wheat allotments and permitted acreages determined for farms in a county shall not exceed their proportionate share of the county allotment.

(4) *Normal yields.* For each farm for which a wheat acreage allotment or permitted acreage is determined or a deduction with respect to wheat is computed, a normal yield shall be determined as follows:

(i) Where reliable records of the actual average yields per acre of wheat for the ten years 1931 to 1940 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions.

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield for years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period.

(iii) The yields determined under subdivision (ii) of this subparagraph shall be adjusted so that the weighted average of the normal yields for all farms in the county shall not exceed the county yield established by the Secretary.

(5) *Non-wheat-allotment farm.* "Non-wheat-allotment farm" means any farm (i) for which no wheat allotment is determined; (ii) for which a permitted acreage of 15 acres or less is determined and the acreage seeded to wheat exceeds the permitted acreage; (iii) for which a wheat allotment of 15 acres or less is determined and the acreage seeded to wheat exceeds the allotment by 10 percent or more; (iv) in the East Central Region or in the Southern Region except Texas and Oklahoma, from which no wheat is sold from the farm and the acreage of wheat harvested for grain or for any other purpose after reaching maturity is not in excess of 3 acres per family living on the farm and having an interest in the wheat crop grown thereon and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Administration, the classification of such farm for the purposes of the 1942 program as a non-wheat-allotment farm; or (v) any farm for which a wheat allotment or permitted acreage of more than 15 acres is determined and on which wheat is normally planted for green manure, hay or pasture, or will be planted for such use in 1942, and the ounty committee approves, in accordance with instructions issued by the Agricultural Adjustment Administration, the classification of such farm for the purposes of the 1942 program as a non-wheat-allotment farm.

(6) *Acreage planted to wheat.* "Acreage planted to wheat" means (i) any

acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture designated by the Agricultural Adjustment Administration upon recommendation of the State committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); (ii) any acreage of volunteer wheat which is harvested or remains on the land after the final date for disposing of volunteer wheat, such date to be specified by the regional director upon recommendation of the State committee; (iii) any acreage of land which is seeded to a mixture containing wheat designated under subdivision (i) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity.

(7) *Payment.* (Wheat-allotment farms). — cents per bushel of the normal yield of wheat for the farm for each acre in its wheat acreage allotment.

(8) *Deduction.* (i) (Wheat-allotment farms). Ten times the payment rate for each acre planted to wheat on the farm in excess of its wheat allotment.

(ii) (Non-wheat-allotment farms). Ten times the payment rate for each acre of wheat on the farm harvested for grain, or for any other purpose after reaching maturity, in excess of the larger of 15 acres or the wheat allotment or permitted acreage, whichever is applicable, or, in the East Central Region and in the Southern Region except Texas and Oklahoma, in excess of the largest of (*a*) the wheat acreage allotment or permitted acreage, whichever is applicable, (*b*) 15 acres, or (*c*) if no wheat is sold from the farm, 3 acres per family living on the farm and having an interest in the wheat crop grown thereon.

(h) *Total*—(1) *National and State acreage allotments.* The national and State total farm allotments will be established by the Secretary.

(2) *County acreage allotments.* County total farm allotments shall be determined by distributing the State allotment among the counties in the State on the basis of the acreages of crops with respect to which special crop allotments are determined plus the acreages of feed crops grown and diverted under agricultural conservation programs in the county during the years 1938, 1939, and 1940, with due allowance for trends in acreage and for abnormal weather conditions.

(3) *Total farm allotments.* Total farm allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the allotments and permitted acreages for special crops, and the acreages of feed crops customarily grown on the farm.

The total farm allotment for any farm shall compare with the total farm allotments determined for other farms in the same community which are similar with respect to such factors. The total farm allotments determined for the farms in a county shall not exceed their proportionate share of the county total farm allotment.

Total farm allotments shall be determined for farms in such counties of the North Central Region and of Oklahoma and Texas as are recommended by the State committee and approved by the Agricultural Adjustment Administration as counties in which there is normally produced a surplus of feed crops.

(4) *Non-total-allotment farm.* "Non-total-allotment farm" means a farm in any county in which total farm allotments are determined (i) for which no total farm allotment is determined, or (ii) for which a total farm allotment of 20 acres or less is determined and the persons having an interest in the feed crops on the farm elect, in accordance with instructions issued by the Agricultural Adjustment Administration, to have the farm considered as a non-total-allotment farm.

(5) *Feed crops.* "Feed crops" mean (1) when harvested for any purpose, corn in the non-commercial corn area, corn on non-corn-allotment farms, grain sorghums, and sweet sorghums; (ii) when matured as grain (except when qualifying as a soil-building practice), barley, oats, rye, emmer, spelts, wheat on non-wheat-allotment farms, mixtures containing a substantial proportion of one or more of the above crops, and wheat mixtures not classified as acreage planted to wheat.

(6) *Payment.* $1.00 per acre for each acre in the total farm allotment determined for the farm in excess of the sum of the special crop acreages for which payments are computed for the farm.

(7) *Deductions.* (i) (Total-allotment farms.) Ten times the payment rate for each acre by which the sum of the special crop and feed crop acreages exceeds the sum of (*a*) the total farm allotment and (*b*) the acreages for which special crop deductions are computed.

(ii) (Non-total-allotment farms.) Ten times the payment rate for each acre by which the sum of the special crop and feed crop acreages exceeds the sum of (*a*) 20 acres and (*b*) the acreages for which special crop deductions are computed.

(i) *Restoration land*—(1) *Farm restoration land.* Restoration land shall be designated in the Southern Great Plains Area on the basis of the land in the farm which was designated as restoration land under the 1941 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which because of its physical condition and texture and because of climatic conditions a permanent vegetative cover should be restored: *Provided*, That, except for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion control purposes, new restoration land shall be designated only on a farm which is operated by the owner, or where such designation has been approved by the owner in the case of a tenant-operated farm. All new designations of restoration land shall be reviewed and approved by the State committee or its designated representative. The county committee shall designate practices to be applied to restoration land, such practices to be only those which will provide for the establishment of an approved cover crop or for the seeding of approved grasses. Land formerly designated as restoration land in the Southern Great Plains Area shall be reclassified as noncrop pasture or range land if the county committee determines in accordance with instructions issued by the State committee that a permanent vegetative cover has been sufficiently established so as to prevent it from becoming a wind-erosion hazard, and land formerly classified as restoration land in all other areas shall be reclassified as noncrop pasture or range land: *Provided, however*, That land in any area formerly designated erroneously as restoration land shall be reclassified as cropland if the county committee finds upon the basis of a survey that such land is suitable for use as cropland and the State committee or its designated representative reviews and approves such reclassification.

(2) *Deduction.* $3.00 for each acre of restoration land which is plowed or tilled in 1942 for any purpose other than tillage practices in connection with the seeding of approved permanent grasses.

(j) *Minimum soil-conserving and soil-building requirements.* In each county one of the following five provisions shall be applicable as recommended by the State committee and approved by the Agricultural Adjustment Administration, except that (2), (3), (4), and (5) shall not be applicable in any county in which total farm allotments are determined:

(1) *Minimum conserving acreage.* (*A*). The net payments for any farm in connection with special crop and total farm allotments shall be subject to a deduction of 4 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively to one or more of the following uses, as recommended by the State committee and approved by the Agricultural Adjustment Administration, throughout the 1942 crop year is less than 25 percent of the cropland on the farm:

(i) Perennial grasses of legumes, including new seedings, if seeded alone or with a nurse crop pastured or clipped green and left on the land

(ii) Biennial legumes, lespedeza, or annual sweet clover, including new seedings, if seeded alone or with a nurse crop pastured or clipped green and left on the land

(iii) Sudan, millet, or annual ryegrass, for pasture

(iv) Seeded cover crops of which a good stand and good growth is left on the land

(v) Summer fallow protected by methods recommended by the State committee and approved by the Agricultural Adjustment Administration

(vi) Fallow-rice land, or rice land on which noxious plants are controlled by mowing

(vii) Forest trees planted on cropland since 1935

(viii) Austrian winter peas or vetch grown for seed

(ix) Irrigated land qualifying under practice 57

(x) Idle cropland on which approved terraces are constructed during the 1942 crop year:

Provided, however, That on farms of less than 20 acres of cropland this requirement may be met in whole or in part by growing winter cover crops or green manure crops regardless of any other use of the same land during the 1942 crop year.

(2) *Minimum conserving acreage.* (*B*). The net payments for any farm in connection with special crop allotments shall be subject to a deduction of 5 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively to one or more of the following uses, as recommended by the State committee and approved by the Agricultural Adjustment Administration, throughout the 1942 crop year, is less than 20 percent of the cropland on the farm:

(i) Perennial grasses or legumes, including new seedings if seeded alone or with a nurse crop pastured or clipped green and left on the land

(ii) Biennial legumes, lespedeza, or annual sweet clover, including new seedings if seeded alone or with a nurse crop pastured or clipped green and left on the land

(iii) Sudan, millet, or annual ryegrass, for pasture

(iv) Seeded cover crops of which a good stand and good growth is left on the land

(v) Summer fallow protected by methods recommended by the State committee and approved by the Agricultural Adjustment Administration

(vi) Fallow-rice land, or rice land on which noxious plants are controlled by mowing

(vii) Forest trees planted on cropland since 1935

(viii) Austrian winter peas or vetch grown for seed

(ix) Irrigated land qualifying under practice 57

(x) Idle cropland on which approved terraces are constructed during the 1942 crop year:

Provided, however, That on farms of less than 20 acres of cropland this requirement may be met in whole or in part by growing winter cover crops or green manure crops regardless of any other use of the same land during the 1942 crop year: *Provided further,* in areas recommended by the State committee and approved by the Agricultural Adjustment Administration, on any farm this requirement may be met in whole or in part by growing green manure or cover crops regardless of any other use of the same land during the 1942 crop year, except that on any such farm the percentage of the cropland on the farm required to be devoted to such uses shall be 30 percent and the deduction from the net payments in connection with special crop allotments shall be 3⅓ percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland by which the required percentage is not reached.

(3) *Minimum acreage of erosion-resisting crops.* The net payments for any farm in connection with special crop allotments shall be subject to a deduction of 4 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of erosion-resisting crops and land uses on the farm is less than 25 percent of the cropland on the farm. Erosion-resisting crops and land uses for any county shall be determined by the State committee, with the approval of the Agricultural Adjustment Administration, and may include only cropland which is devoted in the program year to one or more of the following crops or uses:

Biennial or perennial legumes
Perennial grasses
Lespedeza
Crotalaria
Ryegrass
Green manure crops
Cowpeas
Thick-seeded sudan grass
Natal grass
Winter legumes
Soybeans
Sweet Clover
Fall-seeded small grains, other than wheat, not harvested for grain
Velvet beans
Forest trees
Protected Summer fallow
Fallow-rice land, or rice land on which noxious plants are controlled by mowing
Land on which approved terraces are constructed and no inter-tilled row crop is grown
Peanuts hogged off.

Land devoted to one or more of the above crops or land uses shall qualify toward meeting this requirement regardless of any other use of such land except when interplanted with row crops.

(4) *Farm conservation plan.* In counties, groups of counties, or States, upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, the net payment that would otherwise be made with respect to special crop allotments for any farm in the county, group of counties, or State, as the case may be, shall be reduced by 1 percent for each 2 percent by which the producers on the farm fail to carry out during the 1942 program year that part approved for that year of a farm conservation plan approved for the farm as one which, over a period of years as recommended by the State committee and approved by the Agricultural Adjustment Administration, will conserve the soil and increase its productivity. Such a plan shall provide for the carrying-out on the various parts of the farm of the soil-building practices needed for the proper balance between the various kinds of crops grown, for the elimination of erosion hazards, for the restoration of the necessary humus to the soil, and other good land uses. The amount of the deductions made under this provision, as estimated by the Agricultural Adjustment Administration, shall be available in the State or county where deducted for administrative expenses.

(5) *Minimum soil-building performance.* The payment made with respect to special crop allotments shall not exceed a percentage of the net payment earned with respect to such allotments equal to the percentage of that part of the soil-building allowance computed under subparagraphs (1) to (4), inclusive, of § 701.302 (d), which is earned for the farm, except that such limitation will not be applicable if the amount of the soil-building payment earned equals or exceeds the total payment earned in connection with special crop allotments, or if the farm is retired from agricultural production during the 1942 program year. In determining performance under this subparagraph, in areas designated by the Agricultural Adjustment Administration as areas where the allowance on noncrop open pasture is the major portion of the soil-building allowance on a substantial number of farms, the allowance on noncrop open pasture shall not be included.

(k) *Miscellaneous*—(1) *Deduction for failure to prevent wind or water erosion.* $1.00 for each acre of land, in an area designated by the Agricultural Adjustment Administration as subject to serious wind or water erosion hazards, with respect to which there are not adopted in 1942 methods recommended by the county committee and approved by the State committee for the prevention of wind or water erosion or both: *Provided,* That in counties designated by the Agricultural Adjustment Administration upon recommendation of the State committee the rate shall be 25 cents per acre for each time wind or water erosion control methods recommended by the county committee are not carried out in 1942 by the date specified by the committee.

(2) *Deduction for breaking out permanent vegetative cover.* $3.00 for each acre of native sod, land previously designated as restoration land which has been reclassified as noncrop pasture or range land, or any other land on which a permanent vegetative cover has been established, broken out during the 1942 program year in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing

large acreages unsuited to continuing production of cultivated crops, less the acreage broken out with the approval of the county committee for the planting of forest trees or as a good farming practice for which an acreage of cropland other than restoration land is restored to permanent vegetative cover.

(3) *Failure to plant 80 percent of allotment.* Upon recommendation of the State committee and approval by the Agricultural Adjustment Administration, for areas in which there is wide fluctuation from year to year in the acreage planted to any crop for which allotments are determined on a substantial number of farms, if the acreage of any such crop is less than 80 percent of the allotment for such crop, payment will be computed on an acreage equal to 125 percent of the acreage of such crop, unless the county committee finds that failure to have at least 80 percent of such allotment was due to flood, drought, hail, or plant bed diseases.

(4) *Correction of errors.* Notwithstanding any other provision of this section, where the Agricultural Adjustment Administration finds that an error in a county or State office resulted in an allotment, permitted acreage, or yield for a farm which is substantially less than that which would otherwise have been determined, the correction of such allotment, permitted acreage, or yield may be authorized without requiring a redetermination of other farm allotments, permitted acreages, or yields in the county, unless such error has resulted in farm allotments, permitted acreages, or yields for other farms in the county which are substantially higher than they otherwise would have been.

(l) *Determination of grazing capacities.* There shall be determined a grazing capacity for range land and noncrop open pasture land in accordance with instructions issued by the Agricultural Adjustment Administration. In determining grazing capacity, consideration shall be given to the following: (1) composition, palatability, and density of forage growth; (2) climatic fluctuations; (3) distribution and character of watering facilities; (4) topographic and cultural features; (5) presence or absence of rodents and poisonous plant infestations; and (6) number and classes of livestock previously carried. The average of the individual grazing capacities determined for all range land and noncrop open pasture land in a county shall not exceed the county average grazing capacity limit determined by the Agricultural Adjustment Administration on the basis of available statistics.*

*§§ 701.301 to 701.314, inclusive, are issued under the authority contained in sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; Public, No. 121, approved June 21, 1941; 16 U.S.C. 590 g–590 q.

§ 701.302 *Soil-building goals, payments, and practices*—(a) *National goal.* The national goal is the conservation of farm and range land, the restoration, insofar as is practicable, of a permanent vegetative cover on land not needed for or unsuited to the continued production of cultivated crops, the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion, and the encouragement of economic use of land.

(b) *County goals.* County goals may be established for particular soil-building practices which are most needed in the county in order to conserve and improve soil fertility, improve range land, prevent wind and water erosion, and encourage economic use of land. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that the soil-building allowance will be used most effectively to bring about added conservation and to secure the carrying-out of soil-building practices most needed on farms in the county.

The county committee, with the approval for the State committee, may specify for any group of farms in the county a proportion of the soil-building allowance which may be earned only by carrying out designated soil-building practices which are most needed and are not routine.

(c) *Farm goals.* Insofar as practicable, the county committee shall determine for individual farms practices to be carried out which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals established for the county with respect to particular soil-building practices.

(d) *Soil-building allowance.* The soil-building allowance, which is the maximum payment that will be made for carrying out soil-building practices, shall be the sum of the following: *Provided,* That for any farm with respect to which the sum of the maximum payments computed under § 701.301 and subparagraphs 1 to 5, inclusive, of this paragraph is less than $20.00 the amount determined under this paragraph shall be increased by the amount of the difference: *Provided further,* That, with prior approval of the State committee, a group of farmers in any local area may combine all of the soil-building allowances for their farms for the performance of erosion control, forest tree planting and management, or perennial weed control practices on any farm or group of farms unanimously approved in writing by the cooperating farmers, and all such farmers must be cooperators in the 1942 program, and the practices must be carried out on one or more of the farms in the group:

(1) (Applicable only in areas where total farm allotments are determined.) (i) 50 cents per acre of cropland in the farm in excess of the sum of (*a*) the total farm allotment; (*b*) the acreage of sugar beets planted for harvest in 1942 for the extraction of sugar, or of sugar cane grown for harvest in 1942 for the extraction of sugar; and (*c*) any commercial orchard acreage included in cropland.

(ii) $1.00 per acre for each acre in the total farm allotment in excess of the special crop acreages with respect to which payments are computed (applicable only on non-total-allotment farms).

(2) (Applicable only in areas where total farm allotments are not determined.) 70 cents per acre of cropland in the farm in excess of the sum of (i) the special crop acreages with respect to which payments are computed; (ii) the acreage of sugar beets planted for harvest in 1942 for the extraction of sugar and sugar cane grown for harvest in 1942 for the extraction of sugar; and (iii) any commercial orchard acreage included in cropland.

(3) (i) 2 cents per acre of noncrop open pasture and range land in the farm, plus 90 cents for each animal unit of grazing capacity (on a 12-month basis) of such pasture or range land, in the North Central Region, Kansas, Oklahoma, and Texas; and 3 cents per acre of noncrop open pasture and range land, plus 70 cents for each animal unit of grazing capacity (on a 12-month basis) of such pasture or range land, in California, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Oregon, and Washington: *Provided,* That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop open pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further,* That such payment may be computed at a flat rate for each farm in any county, which rate shall be determined for the farm by the county committee on the basis of the above rates: *Provided further,* That the grazing capacity item on range land shall not be calculated on more than one animal unit for each 10 acres of range land in the farm, and the acreage item shall not be calculated on more than 60 acres for each animal unit: *Provided further,* That the amounts computed under this subdivision shall not be less than 8 cents times the number of such acres or 2,000 acres, whichever is smaller.

(ii) 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the East Central Region and in States in the Southern Region other than Texas and Oklahoma.

(iii) 40 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of main-

taining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the Northeast Region: *Provided*, That upon recommendation of the State committee and approval by the Agricultural Adjustment Administration this item may be reduced for all farms in any area, and that part of the reduction which it is estimated by the Agricultural Adjustment Administration would have been earned had this item not been reduced may be allotted by the county committee to farmers who wish to carry out pasture-improvement or erosion-control practices or plant forest trees in addition to the allowance otherwise available under this section.

(iv) 30 cents per acre of mountain meadow land (applicable only in counties in the Western Region designated by the regional director as counties in which reseeding and erosion control practices are necessary and effective in promoting range conservation).

(4) $2.00 per acre of commercial orchards on the farm.

(5) $1.00 per acre of commercial vegetables normally grown on a farm where the normal acreage is 3 acres or more.

In addition to the soil-building allowance computed for the farm, (i) a forestry allowance of $15 may be earned only by planting forest trees, and (ii) a restoration land allowance of 50 cents per acre for each acre of restoration land on the farm may be earned only by carrying out approved soil-building practices on restoration land.

(e) *Deduction for failure to maintain practices under previous programs.* Where the county committee, in accordance with instructions of the State committee, determines that (1) terraces constructed, water developments established, forest trees planted, or pastures established under previous agricultural conservation programs are not maintained in accordance with good farming practices, (2) seedings of perennial legumes or grasses are destroyed after producers have been informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under a previous program is destroyed in 1942 contrary to good farming practice, there shall be deducted from payments which would otherwise be made with respect to the farm an amount equal to the payment which would be made under the 1942 program for a similar amount of such practices.

(f) *Soil-building practices.* Such of the soil-building practices listed in the following schedule as the county and State committees and the Agricultural Adjustment Administration determines are adapted to any area and should be encouraged in such area may qualify for payment at rates not greater than the rates indicated therein when such practices are carried out under the provisions of the 1942 program during a period of not more than 12 months, ending between July 1 and December 31, 1942, inclusive, in accordance with specifications issued by the regional director, or by the State committee with the approval of the regional director. The areas designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued shall be such as to assure that the soil-building practice will be performed in a workmanlike manner and in accordance with good farming practice for the locality.

If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no payment will be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payments shall be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or an agency thereof by an agency of the same State shall not be deemed to have been furnished by any State agency within the meaning of this paragraph.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service shall not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency. No payment will be made for planting trees furnished by the Forest Service in connection with the Prairie States Forestry Project.

Schedule of Soil-Building Practices and Maximum Rates

The rates of payment listed below are the maximum rates allowable, and the rate of payment for any practice included shall, if necessary in order to reflect relative costs or desirability of the practice for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration.

Application of materials. (1) Application of phosphate and potash to, or in connection with the full seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, Natal grass, permanent pasture, green manure crops in orchards, gardens for home use, and, in New England, or any other area in the Northeast Region in which the percentage of cropland used for the production of soil-depleting crops is small and such area is approved by the Agricultural Adjustment Administration, with manure in stables or on dropping boards for use other than on commercial vegetables, potatoes, tobacco, corn for grain, and wheat for grain. If these materials are applied to any eligible crop seeded or grown in connection with a soil-depleting crop, payment shall be made for only such proportionate part, if any, of the material applied as is specified by the Agricultural Adjustment Administration.

In an area designated by the Agricultural Adjustment Administration as an area in which the average cost at the local distribution points of 48 pounds P_2O_5, 500 pounds of basic slag or rock or colloidal phosphate, or 50 pounds of K_2O is:

More than	*Not more than*	*Payment rate is*
	$1.50	$1.05
$1.50	1.70	1.20
1.70	1.90	1.35
1.90	2.10	1.50
2.10	2.30	1.65
2.30	2.50	1.80
2.50	2.70	1.95
2.70	2.90	2.10
2.90		2.25

One bag of not less than 100 pounds triple superphosphate furnished by the Agricultural Adjustment Administration will be considered the equivalent of 48 pounds of P_2O_5.

(2) Application of 100 pounds of gypsum containing not less than 18 percent sulphur (or its sulphur equivalent)—50 cents.

(3) Application of borax or other material containing boron to, or in connection with the seeding of, leguminous cover crops in orchards or vineyards or to, or in connection with the seeding of, perennial legumes. In areas where borax costs:

(i) Not more than $2.00 per 100 pounds: $1.00 for 55 pounds of boric acid or its equivalent in borax or other material.

(ii) More than $2.00 per 100 pounds: $1.50 for 55 pounds of boric acid or its equivalent in borax or other material.

(4) Application of air-dry straw or equivalent mulching material (excluding barnyard and stable manure) in orchards, vineyards, on commercial vegetable land, or strawberries. In areas where straw normally costs:

(i) Not more than $2.50 per ton: 75 cents per ton.

(ii) More than $2.50 but not more than $5.00 per ton: $1.50 per ton.

(iii) More than $5.00 per ton: $3.00 per ton.

(5) Application of ground limestone (or its equivalent) in any area designated by the Agricultural Adjustment Administration as an area in which the average cost of bulk ground limestone delivered to the farm is:

More than	*Not more than*	*Payment per ton*
	$1.25 per ton	$1.00
$1.25	2.00 per ton	1.50
2.00	2.75 per ton	2.00
2.75	3.25 per ton	2.50
3.25	3.75 per ton	3.00
3.75	4.25 per ton	3.50
4.25	4.75 per ton	4.00
4.75	5.25 per ton	4.50
5.25	5.75 per ton	5.00
5.75	6.25 per ton	5.50
6.25		6.00

Seedings. (6) Seeding alfalfa, lespedeza sericea, wheatgrasses, or brome grasses—$1.50 per acre.

(7) Seeding permanent grasses, or permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop (applicable only to varieties and areas designated by the Agricultural Adjustment Administration with respect to which the cost of establishing improved pastures is exceptionally high and their increase is important)—$3.50 per acre.

(8) (i) Seeding annual lespedeza, annual ryegrass, biennial legumes except sweet clover, perennial legumes, perennial grasses (other than timothy or redtop), or mixtures (other than a mixture consisting solely of timothy and redtop) containing biennial legumes, perennial legumes, or perennial grasses (except any of such crops qualifying at a higher rate of credit under any other practice listed in this paragraph (f))—75 cents per acre.

(ii) Seeding annual lespedeza in areas approved by the Agricultural Adjustment Administration as areas where perennial and biennial legumes are not adapted and where not more than 20 percent of the cropland is normally devoted to thick-seeded legumes—5 cents per pound but not in excess of $1.00 per acre.

(9) Seeding winter legumes, crotalaria, or strawberry, ladino, or white clover—$1.50 per acre.

(10) Seeding annual or biennial sweet clover—50 cents per acre.

(11) Establishment of a permanent vegetative cover by planting kudsu or sod pieces of perennial grasses—$4.50 per acre.

(12) Seeding timothy or redtop or a mixture consisting solely of timothy and redtop—40 cents per acre.

Pasture and range improvement. (13) Reseeding depleted pastures, range land, mountain meadow, or restoration land with good seed of adapted pasture grasses, perennial or biennial legumes, or approved pasture mixtures or forage shrubs—15 cents per pound.

(14) (i) Natural reseeding by deferred grazing and supplemental practices: Withholding 25 percent of the range land or noncrop pasture from grazing for the normal period from the start of forage growth to seed maturity, which period will be determined by the State committee with the approval of the regional director, provided that (*a*) the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock, or where the area is used exclusively for grazing sheep or goats (and, in areas designated by the regional director upon recommendation of the state committee, cattle or horses) the entry of livestock on the nongrazed acreage is prevented by herding or other specified methods, (*b*) the remaining range land or noncrop pasture is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed, (*c*) such practice shall not be applicable to range land or pasture land which normally is not used for grazing, (*d*) the operator has submitted to the county committee in writing the designation of the nongrazing area previous to the initiation of such practice, and has received prior approval from the county committee, and (*e*) the operator complies with such other conditions or specifications as shall be established by the county committee with the approval of the State committee as needed in the interest of range or pasture conservation.

This practice shall be approved only for bona fide livestock operators.

(ii) Rate of payment will be that part of the soil-building allowance which is computed under § 701.302 (d) (3): *Provided*, That (*a*) if grazing is deferred on less than 25 percent of the range land or pasture land, the payment shall be a proportionate percent for each 1 percent of the range land or pasture land included in such practice; and (*b*) payment shall not exceed the value of practices carried out which are designated by the county committee in accordance with instructions issued with the approval of the Agricultural Adjustment Administration and for which payment otherwise will not be made, except that, in areas designated by the Agricultural Adjustment Administration as areas where only limited supplemental practices are required or are otherwise provided for, payment shall not exceed 40 percent (or if grazing is deferred on less than 25 percent of the range land or pasture land, 1.6 percent for each 1 percent of the range land or pasture land included in such practice) of the allowance computed under § 701.302 (d) (3) by more than the value of such practices carried out.

(15) Conservation of noncrop open pasture or range land by limited or rotation grazing and supplemental practices. For carrying out a range management plan, submitted by the operator and approved by the county committee prior to the start of forage growth, for all of the noncrop pasture and range land, which shows the proposed time and rate of stocking for 1942 as compared with the grazing program carried out on the farm or ranch in preceding years, and which, in the opinion of the county committee, will, over a period of years, result in an improvement of the density of the more desirable and palatable grasses. The rate of payment will be all of the soil-building allowance which is computed under § 701.302 (d) (3).

Payment for this practice shall not exceed the value of supplemental practices carried out which are designated by the county committee prior to their institution in accordance with instructions issued by the Agricultural Adjustment Administration and for which payments otherwise will not be made.

Payment will not be made for this practice if the county committee determines that the entire grazing unit has been overgrazed in 1942. If the forage growth has been damaged by causes beyond the control of the operator, but not by domestic animals, the grazing unit shall not be deemed to have been overgrazed in 1942 if the number of livestock grazed does not exceed the grazing capacity. If, however, the county committee determines that one percent or more of the total acreage of grazing land has been injured by overgrazing in 1942, payment shall be reduced by 5 percent of the payment otherwise earned under this practice for each 1 percent of the total grazing area which is overgrazed in 1942.

No payment will be made for this practice where Practice (14) is carried out on the farm or ranch.

(16) With prior approval of the county committee, develoment of springs or seeps by excavation at the source and making a supply of water available for livestock: *Provided* (i) that the source is protected from trampling and at least 20 cubic feet of available water storage is provided and (ii) that the total cost of the development is not less than $20.00. The minimum payment for a single development under this practice shall be $20.00 and the maximum payment shall be $200.00 (this practice is applicable only in arid or semi-arid areas, and where it contributes to a better distribution of livestock grazing)—30 cents per cubic foot of soil or gravel and 50 cents per cubic foot of rock formation excavated, or 25 cents per cubic foot of metal, wood, concrete, or rubble masonry storage installed and available to livestock, whichever is larger. No payment will be made under this practice for any storage for which payment is made under Practice (18).

(17) (i) With prior approval of the county committee, for drilling or digging wells, or deepening, by drilling or digging, wells which are inadequate or have failed to provide water, with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any headquarters—$2.00 per linear foot.

(ii) With prior approval of the county committee, for drilling wells, including the deepening, by drilling, of wells which are inadequate or have failed to provide water, with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir, or for drilling an artesian well for the purpose of providing water for range livestock, provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any headquarters—$1.00 per linear foot.

(18) Construction of reservoirs and dams, including enlargement of inadequate earthen structures—15 cents per

cubic yard of material moved not in excess of 2,000 cubic yards for each development, and 10 cents per cubic yard of material moved in excess of 2,000 cubic yards, in making the fill or excavation, or $6.00 per cubic yard of concrete or rubble masonry. Prior approval must be obtained from the county committee if constructed for the purpose of developing water for range livestock in connection with this practice on range land.

(19) Spreader terraces of a permanent nature—50 cents per 100 linear feet.

(20) With prior approval of the county committee, improvement of non-crop open pasture land which the county committee determines will, when improved, be capable of carrying at least one animal unit for each two acres during a pasture season of at least four months. Improvement shall include uprooting and removal of shrubs, leveling hummocks, carrying out an adequate system of mowing, and removing loose stones. Payment will not be made unless sufficient liming materials, fertilizer, and seed, where needed, are applied to obtain a good stand—$3.00 per acre.

(21) With prior approval of the county committee, control, in accordance with approved specifications, of destructive plants or competitive nonpalatable or poisonous plants designated by the Agricultural Adjustment Administration on noncrop open pasture and range land.

(i) Light infestation..... 50 cents per acre
(ii) Medium infestation.. $1.00 per acre
(iii) Heavy infestation.... $2.00 per acre

(22) With prior approval of the county committee, the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning—5 cents per 100 linear feet.

(23) With prior approval of the county committee, destruction of noxious plants on range land by mowing. Payment will not be made if the plants mowed are used for hay or sold for any purpose. Payment will be made for mowing the number of times that the county committee, with the approval of the State committee, finds is necessary for destruction of the noxious plants—25 cents per acre for each mowing.

Green manure crops and cover crops. (24) Green manure crops of which a good stand and good growth is plowed or disced under on land not subject to erosion or, if subject to erosion, such crop is followed by a winter cover crop. Green manure crops shall not include (i) lespedeza; (ii) any crop except winter legumes for which payment is made under any other practice; (iii) wheat on non-irrigated land, except in humid areas designated by the Agricultural Adjustment Administration; and (iv) such other crops as the Agricultural Adjustment Administration determines do not qualify for any area:

(a) Summer non-legumes.. 75 cents per acre.
(b) Other green manure crops..... $1.50 per acre.

(25) Cover crops of which a good stand and good growth is left on land subject to erosion or on such other land as is designated by the Agricultural Adjustment Administration. Cover crops shall not include (i) lespedeza; (ii) any crop except winter legumes for which payment is made under any other practice; (iii) soybeans from which seed is harvested by mechanical means; and (iv) such other crops as the Agricultural Adjustment Administration determines do not qualify for any area.

(a) Summer non-legumes.. 75 cents per acre.
(b) Other cover crops..... $1.50 per acre.

(26) Summer legumes, excluding soybeans from which seed is removed by mechanical means, grown for soil-building purposes in combination with intertilled row crops, of which a good stand and good growth is obtained and the forage is not harvested—30 cents per acre.

Erosion control. (27) Contour ridging or terracing of noncrop open pasture land or range land—15 cents per 100 linear feet.

(28) Construction of diversion ditches in the Northeast Region for which proper outlets are provided—$1.50 per 100 linear feet.

(29) Construction of standard terrace for which proper outlets are provided—75 cents per 100 linear feet.

(30) Construction of metal, concrete, rubble masonry, or treated-lumber check dams or drops and measuring weirs for the control of erosion, leaching, and seepage of farmland:

(i) Concrete or rubble masonry..... 25 cents per cu. ft.
(ii) Commercially treated lumber..... $4.00 per 100 board feet.
(iii) Home treated lumber..... $2.00 per 100 board feet.
(iv) Metal

0.75 second feet discharge at free flow depth	$16.00 each
1.56 second feet discharge at free flow depth	20.00 each
2.35 second feet discharge at free flow depth	25.00 each
4.00 second feet discharge at free flow depth	35.00 each
12.74 second feet discharge at free flow depth	85.00 each

(31) Construction of ditching with a depth of one foot and a top width of four feet, or the equivalent thereof, for the diversion and spreading of flood water, (applicable only in arid and semi-arid areas)—50 cents per 100 linear feet.

(32) Construction of rip-rap of rock or of other suitable material specified by the Agricultural Adjustment Administration along water courses for the control of erosion—50 cents per square yard of exposed surface.

(33) Protecting muck land subject to serious wind erosion by establishing or maintaining approved shrub windbreaks—75 cents per acre.

(34) Contour listing, contour furrowing, or deep or shallow subsoiling of noncrop land—2½ cents per 100 linear feet.

(35) Leaving on the land as a protection against wind erosion (only in wind-erosion areas designated by the Agricultural Adjustment Administration) the stalks of sorghums (including broomcorn), millet, or Sudan grass, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1943 (except any of such crops qualifying at a higher rate of credit under any other practice listed in this paragraph (f))—35 cents per acre.

(36) Maintenance of a protective vegetative cover throughout the 1942 crop year on cropland cropped in 1941 and fallowed in 1940 where it is determined by the county committee that such cover is necessary as a protection against erosion (applicable only in alternate summer-fallow areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee)—35 cents per acre.

(37) Stripcropping, including protection of summer fallow by means of strip fallowing—35 cents per acre.

(38) Protecting summer-fallowed acreage from wind and water erosion by contour listing, pit cultivation, contour cultivation with a shovel type implement, or incorporating stubble and straw into the surface soil (no credit will be given for this practice when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover results in the land becoming subject to serious wind erosion)—35 cents per acre.

(39) Contour farming intertilled crops in areas where such crops are not normally farmed on the contour—20 cents per acre.

(40) Solid contour listing on cropland (except when carried out on protected summer fallowed acreage or as a part of a seeding operation)—25 cents per acre.

(41) Pit cultivation, pits to be at least four inches in depth below surface of soil and constructed so that surfaces of pits cover at least 25 percent of the ground surface (no credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—15 cents per acre.

(42) Contour seeding of small grain crops, sorghums, millets, soybeans, or peas, when drilled in areas where such crops are not ordinarily seeded on the contour—15 cents per acre.

(43) Listing unprotected cropland in arid or semi-arid areas at right angles to prevailing winds after September 15 and not later than December 31 (except when carried out as a part of a seeding operation)—15 cents per acre.

(44) Establishing permanent sod waterway on cropland which is used for an intertilled crop or summer fallow in 1942 or in cultivated orchards or on any cropland, where it is necessary to complete the establishment of a permanent vegetative cover in a waterway channel or terrace outlet. No waterway will be approved with an average width of less than 10 feet. The channel of the waterway must be sufficiently wide at all points

to carry all water diverted into it under conditions of maximum probable rainfall—25 cents per 100 linear feet or in areas approved by the Agricultural Adjustment Administration the rate may be 20 cents per 1,000 square feet.

(45) Constructing dams in waterways or gullies on farm land. No dams will be approved where less than six dams are constructed in any one waterway or gully. Stake, wire, sod, brush, or rock dams, and similar structures will be regarded as dams for the purposes of this practice—25 cents per dam.

(46) Prevention of soil erosion and leaching of plant food, from irrigated land, by control of the application of irrigation water in areas approved by the Agricultural Adjustment Administration as areas where the practice is needed, provided (i) the water distribution system and control structures meet specifications recommended by the State committee and are such as to make possible adequate control of irrigation water applications, (ii) the water distribution system and control structures, as well as the number of acres to be irrigated in accordance with this practice, are approved by the county committee prior to the irrigation season, (iii) the operator of the farm keeps accurate records of the use of water and crops seeded on each field in the area approved for irrigation (these records of water use and crops seeded shall be kept on forms to be prescribed by the State committee, and shall be made available to the county committee for the determination of performance), and (iv) erosion has not occurred on the area as a result of irrigation in 1942. No credit will be given for this practice on the same acreage for which credit is given under practice 53—$1.00 per acre.

Forestry. (47) Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, or a mixture of forest trees and shrubs suitable for wild life, planted between July 1, 1938, and July 1, 1942. Payment will not be made for this practice in the case of trees for which payment is made for planting under the 1942 program—$3.00 per acre.

(48) With prior approval of the county committee, improving a stand of forest trees under such approved system of farm woodlot and wildlife management as is specified by the Agricultural Adjustment Administration—$3.00 per acre.

(49) Planting forest tree seedlings (including shrubs beneficial to wildlife) or forest tree nuts, provided such trees or shrubs are protected from fire and grazing and are cultivated in accordance with good tree culture and wildlife management—$7.50 per acre.

(50) Farm woodland fire protection by the construction of firebreaks. In order to qualify under this practice the woodland must be protected from burning during the year for which payment is made and must be protected from adjoining grassland or woodland by a barrier to fire which may be (i) a firebreak at least six feet wide cleared of all inflammable material to mineral soil or (ii) a natural barrier such as a road or stream. Woodland areas must be divided into blocks of not more than 20 acres each by a firebreak. No payment shall be made under this practice where controlled burning is practiced. Woodland areas qualifying for payment under practices (47), (48), (49), or (51), or under the Naval Stores Conservation Program, will not qualify under this practice—10 cents per 100 linear feet of firebreak constructed.

(51) Restoration of farm woodlands normally overgrazed by nongrazing and fire protection during the 1942 program year. Credit will not be allowed for more than 2 acres of woodland for each animal unit normally grazed on such woodland. If under the agrcultural conservation program for any year prior to 1942 a farmer received payment for constructing fence to keep livestock out of woodland or payment for keeping livestock out of woodland and the county committee determines that in the 1942 program year livestock are again allowed by that farmer to graze in a part or all of the same woodland, an amount equal to the previous payments will be withheld from any payment which would otherwise be made to such farmer under the 1942 program—35 cents per acre.

Orchard practices. (52) Upon prior approval of the county committee, maintenance of a permanent cover in orchards or vineyards on irrigated land subject to erosion—50 cents per acre.

(53) Upon prior approval of the county committee, changing from erosive methods of irrigation to contour irrigation on sloping orchards and vineyards. Payment shall be made only for the year in which the change is made—$1.50 per acre.

(54) Upon prior approval of the county committee, planting fruit or nut trees or vineyards on the contour where because of slope it is necessary to prevent erosion—$1.60 per acre.

(55) In counties designated by the State committee and approved by the regional director, and with the prior approval of the county committee, the removal of diseased or uneconomic apple trees the major portion of whose fruit is of inferior quality. Payment will be made only for the removal of live permanent trees and not for the removal of filler or semi-permanent trees. No payment shall be made for trees less than 5 inches in diameter. Not more than $15 per acre may be earned under this practice:

(i) For trees 5 to 12 inches in diameter—30 cents per tree.

(ii) For trees over 12 inches but not over 20 inches in diameter—50 cents per tree.

(iii) For trees over 20 inches in diameter—75 cents per tree.

Other practices. (56) Growing a home garden for a landlord, tenant, or sharecropper family on a farm (applicable only in areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee as areas where home gardens generally are not kept or are inadequate and should be encouraged). Payment will not be made to a landlord, tenant, or sharecropper for growing more than one garden on a farm—$1.50.

(57) Eradication or control, in accordance with approved methods, of seriously infested plots of perennial noxious weeds designated by the Agricultural Adjustment Administration. Payment for this practice may be approved outside of organized weed-control districts only on farms where (i) the infestation is limited to a single farm, (ii) approved weed-control measures are being carried out on all adjacent infested farms and contiguous land, or (iii) the county committee determines that there is no likelihood of reinfestation from adjacent farms or contiguous land:

(*a*) 3 cents per pound of approved chemical used.

(*b*) $7.50 per acre of perennial weeds where chemicals are not used.

(58) Applying sand free from stones or loam to a depth of at least one-half inch on fruiting cranberry bogs—$7.50 per acre.

(59) Flooding fruiting cranberry bogs before January 1, 1942, and holding the water on such bogs continuously until June 15, 1942, or such later date as may be determined to be applicable by the State committee—$7.50 per acre.

(60) Renovation of perennial grasses or perennial legumes or mixtures of perennial grasses and perennial legumes—75 cents per acre.

(61) Deep subsoiling cropland:

(i) Spacing between furrows not in excess of 4 feet—50 cents per acre.

(ii) Spacing between furrows in excess of 4 feet but not in excess of 7 feet—35 cents per acre.

(iii) Spacing in excess of 7 feet but not in excess of 10 feet—25 cents per acre.

(62) Performance of such supplemental conservation practices not normally carried out on the farm as are recommended by the State committee and approved by the Agricultural Adjustment Administration on any farm where 50 percent or more of the sum of the cropland and commercial orchard land as determined at the beginning of the program year is devoted to perennial grasses or perennial legumes—$50.00 or one-half of the soil-building allowance, whichever is smaller. On any farm where the maximum payment that may be earned does not exceed $20.00 excluding any allowance for planting forest trees—any part of the soil-building allowance may be earned under this practice.*

§ 701.303 *Division of payments and deductions*—(a) *Payments and deductions in connection with crop acreage allotments and restoration land.* (1) The net payment or net deduction computed

for any farm with respect to any special crop or feed crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop(s) grown on the farm in 1942. Such determination shall be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1942, or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1942: *Provided further*, That if for any reason the total acreage of cotton on a farm in 1942 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton planted or which would have been panted thereon by any producer in 1942 is a substantially smaller proportionate share of the acreage planted to cotton thereon than such producer normally plants thereon and all the persons who are or would have been entitled to receive a share of the proceeds of the cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1942, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1942: *And provided further*, That, in cases where two or more separately-owned tracts of land comprise a farm in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, and all persons who are entitled to receive a share of the proceeds of any such crop agree, as shown by their signatures on the application for payment or a separate statement, the share of each such person in the net payment or net deduction computed with respect to such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes as each such class shares in the crop, or proceeds thereof, with respect to which the payment or deduction is being made.

(2) The deductions with respect to (i) failure to meet the minimum conserving acreage requirement (*A* or *B*) of § 701.301 (j) (1), (2); (ii) insufficient acreage of erosion-resisting crops; (iii) failure to carry out a farm conservation plan, and (iv) insufficient soil-building performance shall be regarded as pro rata deductions with respect to net payments computed in connection with crop acreage allotments.

(3) The deductions with respect to (i) cropping restoration land, (ii) failure to prevent wind and water erosion, (iii) breaking out native sod, and (iv) failure to maintain soil-building practices carried out under previous programs shall be divided among the persons responsible for such acts or failures to act in the proportion that the county committee finds such persons were responsible.

(b) *Payments in connection with soil-building practices.* The amount of net payment earned in carrying out soil-building practices shall be paid to the landlord, tenant, or sharecropper who carried out the practices. If more than one such person contributed to the carrying-out of soil-building practices on the farm under the 1942 program, the net payment shall be divided in the proportion that the county committee determines such persons contributed to the carrying-out of such practices on the farm under such program. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying-out of each soil-building practice on a particular acreage, assuming that each person contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion.

(c) *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.*

§ 701.304 *Increase in small payments.* The total payment computed under §§ 701.301 to 701.303 for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to 71 cents or less shall be increased to $1.00;

(b) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(c) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1.00 to $1.99	$0.40	$32.00 to $32.99	$10.40
$2.00 to $2.99	.80	$33.00 to $33.99	10.60
$3.00 to $3.99	1.20	$34.00 to $34.99	10.80
$4.00 to $4.99	1.60	$35.00 to $35.99	11.00
$5.00 to $5.99	2.00	$36.00 to $36.99	11.20
$6.00 to $6.99	2.40	$37.00 to $37.99	11.40
$7.00 to $7.99	2.80	$38.00 to $38.99	11.60
$8.00 to $8.99	3.20	$39.00 to $39.99	11.80
$9.00 to $9.99	3.60	$40.00 to $40.99	12.00
$10.00 to $10.99	4.00	$41.00 to $41.99	12.10
$11.00 to $11.99	4.40	$42.00 to $42.99	12.20
$12.00 to $12.99	4.80	$43.00 to $43.99	12.30
$13.00 to $13.99	5.20	$44.00 to $44.99	12.40
$14.00 to $14.99	5.60	$45.00 to $45.99	12.50
$15.00 to $15.99	6.00	$46.00 to $46.99	12.60
$16.00 to $16.99	6.40	$47.00 to $47.99	12.70
$17.00 to $17.99	6.80	$48.00 to $48.99	12.80
$18.00 to $18.99	7.20	$49.00 to $49.99	12.90
$19.00 to $19.99	7.60	$50.00 to $50.99	13.00
$20.00 to $20.99	8.00	$51.00 to $51.99	13.10
$21.00 to $21.99	8.20	$52.00 to $52.99	13.20
$22.00 to $22.99	8.40	$53.00 to $53.99	13.30
$23.00 to $23.99	8.60	$54.00 to $54.99	13.40
$24.00 to $24.99	8.80	$55.00 to $55.99	13.50
$25.00 to $25.99	9.00	$56.00 to $56.99	13.60
$26.00 to $26.99	9.20	$57.00 to $57.99	13.70
$27.00 to $27.99	9.40	$58.00 to $58.99	13.80
$28.00 to $28.99	9.60	$59.00 to $59.99	13.90
$29.00 to $29.99	9.80	$60.00 to $185.99	14.00
$30.00 to $30.99	10.00	$186.00 to $199.99	(1)
$31.00 to $31.99	10.20	$200.00 and over	(2)

[1] Increase to $200.00.
[2] No increase.

§ 701.305 *Payments limited to $10,000.* The total of all payments made in connection with programs for 1942 under sec. 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession shall not exceed the sum of $10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made.

All or any part of any payment which has been or otherwise would be made to any person under the 1942 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designated to evade,

or would have the effect of evading, the provisions of this section.*

§ 701.306 *Deductions incurred on other farms*—(a) *Other farms in the same county.* If the deductions computed under §§ 701.301 and 701.302 with respect to any farm in a county exceed the payment for full performance on such farm computed under such sections, a person's share of the amount by which such deduction exceeds such payments shall be deducted from such person's share of the payment which would otherwise be made to him with respect to any other farm or farms in such county.

(b) *Other farms in the State.* If the deductions computed under §§ 701.301 and 701.302 for a person with respect to one or more farms in a county exceed the payments computed for such person on the other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such person with respect to any other farm or farms in the State, if the State committee finds that the crops grown and practices adopted on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms.*

§ 701.307 *Deduction for association expenses.* There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.*

§ 701.308 *Conservation materials.* (a) Wherever it is found practicable, limestone, superphosphate, trees, seeds, terracing and other farming materials and services may be furnished by the Agricultural Adjustment Administration to be used in carrying out approved soil-building practices on the farm in lieu of payments.

(b) Such materials or services will be furnished to the producer by the Agricultural Adjustment Administration either directly or through the medium of a purchase order executed on a farm prescribed by the Agricultural Adjustment Administration. When materials or services are furnished under the purchase order plan, payment will be made, in advance of determination of performance by the producer, to the vendor who, in filling the purchase order, furnished to the producer the approved conservation material or service, in accordance with such instructions and specifications issued by the Agricultural Adjustment Administration as are necessary to carry out this section, at not to exceed a fair price fixed in accordance with regulations prescribed by the Secretary.

(c) Wherever such materials or services are furnished a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made.

(d) The deduction for materials or services shall be made from payment due the person who obtained the materials or services on the same or any other farm in the county. In the event the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary: *Provided,* That, in any Region wherein the regional director recommends and the Agricultural Adjustment Administration approves, deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished.

(e) Notwithstanding any other provision of this section, in areas designated by the Agricultural Adjustment Administration, for any farm (1) for which no deductions are applicable and (2) for which no application for payment is filed or if an application is filed no net payment would be computed except for the use of conservation materials or services, the materials or services furnished by the Agricultural Adjustment Administration shall be in lieu of payments which might be computed for the farm.*

§ 701.309 *General provisions relating to payments*—(a) *Payment restricted to effectuation of purposes of the program.* (1) All or any part of any payment which otherwise would be computed for any person under the 1942 program may be withheld or required to be returned (i) if he adopts or has adopted any practice which tends to defeat any of the purposes of the 1942 or previous agricultural conservation programs, (ii) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (iii) if, with respect to grazing land, forest land, or woodland owned or controlled by him, he adopts or has adopted any practice which is contrary to sound conservation practices.

(2) Practices which tend to defeat the purposes of the 1942 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

(i) Practice: A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease or operating agreement, or by an oral or written agreement supplementary to such lease or operating agreement, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any Government payment which the tenant or sharecropper has received or is to receive for participating in the 1942 Agricultural Conservation Program. Amount to be withheld or refunded: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(ii) Practice: A landlord or operator requires that his tenant or sharecropper pay, in addition to the rental customarily paid in the community for similar land and use, a sum of money or any thing or service of value equivalent to all or a portion of the Government payment which may be, is being, or has been earned by the tenant or sharecropper. Amount to be withheld or refunded: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(iii) Practice: A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1942 Agricultural Conservation Program, or knowingly shows incorrectly his or their acreage shares of a crop, or share of soil-building practices, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of any Government payment to which they are entitled. Amount to be withheld or refunded: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(iv) Practice: A landlord or operator requires his tenant or sharecropper to execute an assignment, ostensibly covering advances of money or supplies to make a current crop, but actually for a purpose not permitted by the assignment regulations. Amount to be withheld or refunded: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(v) Practice: A person complies with the provisions of the program on a farm or farms operated by him as an individual, but causes or fails to prevent the substantial offsetting of such performance by the farming operations of a partnership association, estate, corporation, trust, or other business enterprise in which he has a financial interest and the policies of which he is in a position to control. Amount to be withheld or refunded: All or any part of the payments which have been or otherwise would be made to the person who adopts such a practice.

(vi) Practice: A partnership, association, estate, corporation, trust, or other business enterprise carried on its operations so as to qualify for payment, but one of the persons who is interested in and in position to control the operations

or policies of such partnership, association, estate, corporation, trust, or other business enterprise substantially offsets such performance by such person's individual operations. Amount to be withheld or refunded: All or any part of the person's payments shall be forfeited except that the amount so forfeited shall not be less than the greater of the amount of the deduction incurred with respect to the person's farm or the person's share of the payment computed for the partnership, association, estate, corporation, trust, or other business enterprise, and the payments to the partnership, association, estate, corporation, trust, or other business enterprise, shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

(vii) Practice: A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm in another State. Amount to be withheld or refunded: The net amount of the deduction which would be computed for such person for such overplanting if the farms were in the same State.

(viii) Practice: A person rents land for cash, standing, or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land. Amount to be withheld or refunded: The net amount of the deduction which would be computed if the person were entitled to receive all the crops planted on the land so rented.

(ix) Practice: A person participates in the planting, production, or harvesting of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the planting, production, or harvesting of a corp if the committee finds that he furnished labor, machinery, workstock, or financial assistance for the planting, production, or harvesting of such crop and that he has a financial interest in such crop.) Amount to be withheld or refunded: The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops planted, produced, or harvested.

(x) Practice: A tenant, in settling his obligations under a written or oral rental contract or operating agreement, or a written or oral contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord or operator the whole or any part of any Government payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the regional director. Amount to be withheld or refunded: The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by such landlord or operator the whole of the payments with respect to all of his farms under the program involved: *Provided, however,* That, where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's or operator's payments shall be withheld or recovered.

(xi) Practice: A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the Government payment that would otherwise be made to the tenant or sharecropper with respect to such crop. Amount to be withheld or refunded: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(xii) Practice: A person misuses or participates in the misuse of a marketing card with respect to any commodity for which marketing quotas are in effect or fails to file any report required by or under the regulations pertaining to marketing quotas for the 1941–42 or 1942–43 marketing year and such misuse or failure to file such report results in any erroneous or incomplete record pertaining to any farm in connection with marketing quotas. Amount to be withheld or refunded: The entire payment which has been or would otherwise be made to such person with respect to the farm.

(xiii) Practice: A person whose maximum payment computed without regard to the $10,000 limitation is in excess of $10,000 adopts practices which result in a substantial difference between the maximum payment so computed and the payment computed after applying all applicable deductions except the $10,000 limitation and deduction for administrative expenses. Amount to be withheld or refunded: The net payment to a person whose maximum payment computed without regard to the $10,000 limitation is in excess of $10,000 shall not exceed that amount which is the same percentage of $10,000 as the payment computed after applying all applicable deductions, except the $10,000 limitation and deductions for administrative expenses, is of the maximum payment computed without regard to the $10,000 limitation, provided the State committee with the approval of the regional director and the Agricultural Adjustment Administration finds that the practices adopted apart from the net performance rendered tend to defeat the purposes of the program.

(3) Payments other than payments in connection with soil-building practices will be made only with respect to farms which are being operated during the 1942 program year.

(4) No payment will be made to any person with respect to any farm which such person owns or operates in a county if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1942 program year to other land in the community in which such farm is located.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph (d) of this section, advances or payments on notes (executed by the producer or his predecessor-in-interest), for crop insurance premiums for the farm, and indebtedness to the United States subject to setoff under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1942 any change in the arrangements which existed on the farm in 1941 is made between the landlord or operator and the tenants or share-croppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1942 program than would have been made to the landlord or operator for performance on the farm under the 1941 program, payments to the landlord or operator under the 1942 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1941 had been continued in 1942, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1942 is less than the average number on the farm during the three years 1939 to 1941 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph (c) is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for pay-

ment pursuant to the provisions of the 1942 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1942 program.

(d) *Assignments.* Any person who may be entitled to any payment in connection with the 1942 program may assign his interest in such payment in whole or in part as security for cash loaned or advances made for the purpose of financing the making of a crop in 1942. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69 in accordance with the instructions (ACP–70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this paragraph (d) shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

(e) *Excess cotton acreage.* Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1942 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted, during 1942, on land in any farm in which he has an interest, in excess of the cotton allotment under sec. 344 of the Agricultural Adjustment Act of 1938 for the farm for 1942, and that if cotton was planted in excess of such allotment, it was done without his authority or consent and, if he had knowledge thereof, he made every reasonable effort to prevent such overplanting.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1942 on acreage in excess of the cotton allotment under sec. 344 of the Agricultural Adjustment Act of 1938 for the farm for 1942 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1942 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1942 on an acreage in excess of such cotton allotment for the farm for 1942 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1942.

(f) *Deductions in case of erroneous notice of acreage allotment.* Notwithstanding the deduction provisions of § 701.301, in any case where, through error in a county or State office, the producer was officially notified of an allotment or permitted acreage for a commodity larger than the finally approved allotment or permitted acreage for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment or permitted acreage, the producer will not be considered to have exceeded the allotment or permitted acreage for such commodity unless he planted an acreage to the commodity in excess of the acreage stated in the notice erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of that stated in the notice erroneously issued.*

§ 701.310 *Application for payment—*(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of § 701.303, a share in the payment with respect to the farm may be computed and (1) who is determined by the county committee to be entitled, as of the time of harvest, to the whole of or a share in any of the crops, or its proceeds, grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1942 in carrying out approved soil-building practices.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted on the prescribed form to the county office on or before a date fixed by the regional director but not later than March 31, 1943. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon or for cash or standing rent. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) *Applications for other farms.* If a person makes application for payment or is furnished conservation materials or services in lieu of payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county for which a deduction could be computed under the program, such person must make application for payment with respect to all such farms. Upon request by the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.*

§ 701.311 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) eligibility to file an application for payment; (b) any acreage allotment, permitted acreage, usual acreage, normal or actual yield, grazing capacity, measurement, or soil-building allowance; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the submission of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected

by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.*

§ 701.312 *State and regional bulletins, instructions, and forms.* The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1942 program pursuant to the provisions hereof.*

§ 701.313 *Definitions.* For the purposes of the 1942 program, unless the context otherwise requires:

(a) *Officials.* (1) "Secretary" means the Secretary of Agriculture of the United States.

(2) "Regional director" means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the region to which such division relates.

(3) "State committee" or "State agricultural conservation committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

(4) "County committee" or "county agricultural conservation committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

(b) *Areas.* (1) "Northeast Region" means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(2) "East Central Region" means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(3) "Southern Region" means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(4) "North Central Region" means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(5) "Western Region" means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(6) "Southern Great Plains Area," for the purposes of the restoration land provisions of this program, means Boulder, El Paso, Huerfano, Jefferson, Larimer, Las Animas, Pueblo, and Teller Counties and all counties east thereof in Colorado; Colfax, Curry, De Baca, Guadalupe, Harding, Lea, Lincoln, Mora, Quay, Roosevelt, San Miguel, Torrence, and Union Counties and that portion of Socorro County east of the range line between R. 5 E and 6 E in New Mexico; Ellsworth, Harper, Jewell, Kingman, Lincoln, Mitchell, Reno, and Rice Counties and all counties west thereof in Kansas; Beaver, Cimmaron, Ellis, Harper, Roger Mills, Texas, and Woodward Counties in Oklahoma; Carson, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, and Sherman Counties in Texas.

(c) *Farms.* "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(d) *Cropland.* (1) "Cropland" means farm land which in 1941 was tilled or was in regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community, and excluding also, except in the Southern Region, any land in commercial orchards.

(e) *Miscellaneous.* (1) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) "Landlord" or "owner" means a person who owns land and operates such land or rents it to another person or operates such land.

(3) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(4) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon, and, in the case of rice, also means a person furnishing water for a share of the rice.

(5) "Commercial orchards" means the acreage on the farm in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits (excluding nonbearing orchards and vineyards), from which the major portion of the production is normally sold.

(6) "Commercial vegetables" means the acreage of vegetables or truck crops, of which the principal part of the production is sold to persons not living on the farm, including sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding potatoes, peas for processing and sweet corn for processing and artichokes for use other than as vegetables.

(7) "Noncrop open pasture land" means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(8) "Range land" means any land in which an operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock without cultivation or general irrigation. Range land shall not include public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(9) "Animal unit" means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

(10) "Grazing capacity" of range land or noncrop open pasture land means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

(11) "Special crop allotment" means a corn, cotton, wheat, tobacco, rice, peanut, or potato allotment.*

§ 701.314 *Authority, availability of funds, and applicability*—(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and is contingent upon legislative authority to the Secretary to exercise after December 31, 1941, the powers not conferred on him by section 8 of the Act. In connection with the effectuation of the purposes of section 7 (a) of said Act in 1942 the payments provided for herein will be made for participation in the 1942 program.

(b) *Availability of funds.* The provisions of the 1942 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact, the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for participation the rates of payment and deduction with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) *Applicability.* The provisions of the 1942 program contained in this part, except § 701.305, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs under said Act are approved for 1942 by the Secretary; (3) any department or bureau of the United States Government and any corporation wholly owned by the United States; and (4) lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership. Lands under (4) above include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Division of Grazing or the Bureau of Biological Survey of the United States Department of the Interior.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owner's Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by any other agency complies with all of the foregoing provisions for eligibility.

Done at Washington, D. C., this 14th day of August, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-6036; Filed, August 15, 1941; 11:24 a. m.]

[P-1941-3]

PART 741—PARITY PAYMENTS[1]

SUBPART C—1941

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments," contained in the Department of Agriculture Appropriation Act, 1941 (Public Law No. 658, 76th Congress, approved June 25, 1940; 54 Stat. 532), and pursuant to the provisions of Sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45), the 1941 Parity Payment Regulations, as approved on September 13, 1940, are hereby amended as follows:

1. Sections 741.201, 741.202, and 741.203 are hereby deleted and the following §§ 741.201, 741.202, 741.203, 741.204, and 741.205 are inserted in lieu thereof:

§ 741.201 *Eligibility for payment.* An application for parity payment with respect to a commodity may be made by a landlord, tenant, or sharecropper who has an interest in a farm (a) for which an acreage allotment has been determined for the commodity under the 1941 Agricultural Conservation Program, (b) which is being operated in 1941.

§ 741.202 *Rate of payment and deduction*—(a) *Cotton.* (1) Payment: 1.38 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton allotment.

(2) Deduction: 13.8 cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its cotton acreage allotment or, in the case of a farm on which cotton is planted in 1941 and on which cotton was not planted in 1938, 1939, or 1940, for each acre in excess of its permitted acreage.

(b) *Corn.* (1) Payment: On corn allotment farms, 5.0 cents per bushel of the normal yield per acre of corn for the farm for each acre in the corn allotment.

(2) Deduction: On corn allotment farms, 50.0 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the corn acreage allotment but not to exceed the maximum corn parity payment for the farm except that 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the usual acreage of corn shall be deducted from any other payments computed for the farm, and on non-corn allotment farms, 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the larger of (i) 10 acres or (ii) the usual acreage of corn.

(c) *Wheat.* (1) Payment: (i) On wheat allotment farms and (ii) non-wheat allotment farms on which the acreage planted to wheat on the farm does not exceed its wheat acreage allotment, 10.0 cents per bushel of the normal yield per acre of wheat for each acre in the wheat acreage allotment.

(2) Deduction: On wheat allotment farms, 1 dollar per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat acreage allotment and on non-wheat allotment farm, 1 dollar per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, in Area A; in excess of the usual acreage of wheat for the farm or 10 acres, whichever is larger, in Area B in the Western Region and in Area C; in excess of the largest of (i) the usual acreage of wheat for the farm, (ii) 10 acres, or (iii) if no wheat is marketed from the farm, three acres per family on the farm in Area B in the Southern and East Central Regions.

(d) *Rice.* (1) Payment: 20.0 cents per hundredweight of the normal yield per acre of rice for the farm for each acre in the rice allotment.

(2) Deduction: 2 dollars per hundredweight of the normal yield for the farm for each acre planted to rice in excess of its rice acreage allotment: *Provided,* That an acreage not in excess of the larger of three acres or three percent of the allotment, unintentionally planted in excess of the allotment, shall not be considered as planted to rice if disposed of in a manner and within the time specified by the regional director: *Provided further,* That all or any part of any acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other rice acreage planted on the farm, may be considered as not having been planted.

(e) *Tobacco.* (1) Payment: The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco acreage allotment for each acre of the following kinds of tobacco:

	Cents
Flue-cured	0.6
Fire-cured	.2
Cigar (42-44, 51-55)	.7

(2) Deduction: The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage:

	Cents
Flue-cured	6.0
Fire-cured	2.0
Cigar (42-44, 51-55)	7.0

§ 741.203 *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment

[1] 5 F.R. 3652.

will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

§ 741.204 *Deductions incurred on other farms.* (a) If the sum of the net deductions computed under the provisions of § 741.202 hereof for any person on a farm exceeds the sum of the net payments computed for such person on such farm, the amount by which such deduction exceeds such payments shall be deducted from such person's share of the payment which would otherwise be made to him with respect to any other farm or farms in the county.

(b) If the sum of the net deductions computed under the provisions of § 741.202 hereof for any person in a county exceeds the sum of the net payments computed for such person in a county, the amount of such excess deduction shall be deducted from the payments computed for such persons with respect to any other farm or farms in the State if the State committee finds that the crops grown and practices adopted on the farm or farms, with respect to which such deductions are computed, substantially offset the contribution to the program made on such other farm or farms.

§ 741.205 *Aggregate performance.* Notwithstanding any other provisions of these regulations, the payment to any person whose aggregate share of the 1941 acreage of wheat, cotton, corn, rice, and tobacco on all farms in the county does not exceed his aggregate share of the allotments or permitted acreages under the 1941 Agricultural Conservation Program on such farms shall not be less than the sum of his shares of the payments computed under § 741.202 hereof, with respect to each such allotment on each farm on which (a) the acreage planted to the commodity does not exceed the acreage allotment determined for the commodity under the 1941 Agricultural Conservation Program and (b) the sum of the acreages planted to corn, cotton, wheat, rice, and tobacco does not exceed the sum of the allotments or permitted acreages of such crops under the 1941 Agricultural Conservation Program, unless the State committee finds that such person's aggregate share of the 1941 acreages of wheat, cotton, corn, rice, and tobacco on all farms in which he has an interest exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program for such farms to such an extent as to offset substantially the performance on the farm or farms with respect to which payment might otherwise be made.

2. Sections 741.204 through 741.212 are hereby renumbered to §§ 741.206 through 741.214, respectively.

3. Section 741.213 is hereby amended by adding after paragraph (c) the following:

(d) *Allotment.* "Allotment" means the allotment established for the farm in accordance with the 1941 Agricultural Conservation Program Bulletin.

(e) *Usual acreage.* "Usual acreage" means the usual acreage determined for a farm under the 1941 Agricultural Conservation Program Bulletin.

(f) *Normal yields.* "Normal yields" means the normal yields for a commodity determined in accordance with the 1941 Agricultural Conservation Program Bulletin.

(g) *Permitted acreages:*

(1) "Permitted acreage of cotton" means the permitted acreage of cotton as set forth in the 1941 Agricultural Conservation Program Bulletin.

(2) "Permitted acreage of corn" means the smaller of the acreage planted to corn or the usual acreage of corn, except that, for non-corn allotment farms having corn acreage allotments of 7½ acres or less, the permitted acreage shall be the smaller of the acreage planted to corn or 10 acres.

(3) "Permitted acreage of wheat" means:

(i) *Area A*—Non-wheat allotment farm on which an allotment of more than 10 acres is determined, the permitted acreage will be the smaller of the allotment or the acreage of wheat harvested on the farm for grain or for any other purpose. If an allotment of less than 10 acres is determined, the permitted acreage will be the smaller of 10 acres or the acreage of wheat harvested on the farm for grain or for any other purpose after reaching maturity;

(ii) *Areas B and C*—Non-wheat allotment farm for which a usual acreage of more than 10 acres is determined, the permitted acreage will be the smaller of the usual acreage or the acreage of wheat harvested on the farm for grain or for any other purpose after reaching maturity. If no usual acreage is determined or a usual of less than 10 acres is determined for a farm, the permitted acreage shall be the smaller of 10 acres or the acres harvested on the farm for grain or for any other purpose after reaching maturity, provided that for farms in Area B of the Southern and East Central Regions, on which 3 acres per family on the farm exceeds the usual acreage and from which no wheat was marketed, the permitted acreage shall be the smaller of 3 acres per family on the farm or the acreage harvested.

Done at Washington, D. C., this 16th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-6062; Filed, August 16, 1941; 10:59 a. m.]

CHAPTER VIII—SUGAR DIVISION, AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 821—SUGAR QUOTAS

SUPPLEMENT TO DECISION AND ORDER OF THE SECRETARY OF AGRICULTURE ALLOTTING THE 1941 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

Pursuant to § 821.53 [1] of the "Decision and Order of the Secretary of Agriculture Allotting the 1941 Sugar Quota for the Domestic Beet Sugar Area", dated May 9, 1941, and the increase in the 1941 sugar quota for the domestic beet sugar area of 116,425 short tons of sugar, raw value, set forth in General Sugar Quota Regulations, Series 8, No. 1, Revision 3,[2] a quantity of sugar equal to such increase is hereby prorated as follows:

Processor	*Additional allotment (short tons, raw value)*
The Amalgamated Sugar Company	17,640
American Crystal Sugar Company	28,741
Central Sugar Company, Inc	106
Franklin County Sugar Company	106
The Garden City Company	1,839
Great Lakes Sugar Company	5,790
The Great Western Sugar Company	20,597
Gunnison Sugar, Inc	63
Holly Sugar Corporation	1,821
Isabella Sugar Company	89
Lake Shore Sugar Company	136
Layton Sugar Company	79
Los Alamitos Sugar Company	2,598
Menominee Sugar Company	1,505
Michigan Sugar Company	4,271
Monitor Sugar, Division of Robert Gage Coal Company	154
Mount Clemens Sugar Beet Growers' Ass'n	52
The National Sugar Manufacturing Co	1,152
Ohio Sugar Company	1,171
Paulding Sugar Company	448
Spreckels Sugar Company	1,364
Superior Sugar Refining Company	1,851
Union Sugar Company	2,809
Utah-Idaho Sugar Company	22,043
Others	0
Total	116,425

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 16th day of August 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-6063; Filed, August 16, 1941; 10:59 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS [3]

AUTHORIZED SECTIONS OF THE OFFICERS' RESERVE CORPS

§ 61.36 *Adjutant General's Department Reserve*—(a) *Special limitations*

[1] 6 F.R. 2365.
[2] 6 F.R. 3963.
[3] § 61.36 (a) (1) and (d) is amended.

relative to appointment and promotion. (1) Appointment and promotion in all groups subject to age restrictions in § 61.1 and to limitations contained in these and other pertinent regulations will be made in all grades from second lieutenant to colonel, inclusive.

* * * * *

(d) *Second lieutenant, appointment to grade of*—(1) *Military knowledge qualifications.* See paragraph (c) above.

(2) *Ability qualifications.* None.

(3) *Experience qualifications.* An applicant for appointment to the grade of second lieutenant shall have—

(i) For personnel duties, regardless of experience in other military duties, at least 3 years' practical experience in personnel administration, either military or civil, which will fit him for the specialized duties involved in the classification and assignment of personnel in an emergency, or in duties pertaining to the operation of reception and replacement training centers.

(ii) For postal duties, regardless of experience in other military duties, at least 3 years' practical experience in the United States Post Office Department on duties similar to those required for the Army Postal Service.

(4) *Nonmilitary educational qualifications.* See paragraph (e) below.

(i) *Postal.* High school education.

(ii) *All others.* College education. (39 Stat. 189, 41 Stat. 775, 42 Stat. 1033, 48 Stat. 154, 939; 10 U.S.C. 352, 353) [Pars. 2*a* and 5, AR 140–22, Nov. 18 1940, as amended by Cir. 162, W.D., Aug. 8, 1941]

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[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–6054; Filed, August 16, 1941; 9:53 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 526—INDUSTRIES OF A SEASONAL NATURE

IN THE MATTER OF THE DETERMINATION THAT THE DRYING, PACKING, AND STORING OF UNSHELLED WALNUTS AND FILBERTS IS AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION 7 (B) (3) OF THE FAIR LABOR STANDARDS ACT AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER [1]

Whereas applications were filed by the California Walnut Growers Association, North Pacific Nut Growers Cooperative, and sundry other parties, for the partial exemption of the drying, packing, and storing of unshelled walnuts and filberts from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch or branches of an industry of a seasonal nature pursuant to section 7 (b) (3) of the Act and Part 526 as amended, of the Regulations issued thereunder; and

Whereas the Administrator of the Wage and Hour Division gave notice of a public hearing to be held at the Willard Hotel, Washington, D. C., on September 16, 1940, before Mr. Harold Stein, Presiding Officer, who was authorized to take testimony, hear argument, and determine:

Whether the handling, packing, shelling or other processing or storing of walnuts or filberts, or any subdivisions or combinations thereof, are industries of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526, as amended, of the Regulations thereunder; and

Whereas, following such hearing, the said Mr. Harold Stein duly made his findings of fact and determined as follows with respect to walnuts and filberts:

1. Walnuts and filberts are harvested and packed in the fall of each year.

2. Far more than 50 percent of all walnuts and filberts are received for packing and storing unshelled in a 14 week period each year.

3. Unshelled walnuts and filberts are agricultural commodities in their raw or natural state.

4. The packing and storing of unshelled walnuts and filberts constitute a branch or branches of the nut industry and are of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and § 526.3 (b) of the regulations issued thereunder.

5. Walnuts and filberts are dried prior to packing, to remove excess moisture, during the harvest season of about 10 weeks each year. Such drying is independent of all other operations on walnuts and filberts.

6. At the end of the harvest season, walnut and filbert drying establishments cease operation, except for maintenance, repair and sales work, until the next harvest season, because walnuts and filberts are no longer available for drying because of natural conditions.

7. The drying of walnuts and filberts constitutes a branch or branches of the nut industry and is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and § 526.3 (a) of the regulations, Part 526, issued thereunder.

The applications are granted.

This determination does not apply to the shelling of walnuts and filberts or to the packing or storing of walnut and filbert kernels.

This determination does not excuse noncompliance with any state law or order issued thereunder establishing a maximum workweek lower than the maximum workweek established under section 7 (b) (3) of the act; and

Whereas said Findings and Determination were duly filed with the Administrator on April 25, 1941, and are on file in Room 5418, Department of Labor Building, Washington, D. C., and available for examination by all interested parties; and

Whereas on May 13, 1941, the Administrator caused to be published in the FEDERAL REGISTER (6 F.R. 2403) a notice which stated that pursuant to the provisions of § 526.7 of the aforesaid Regulations, any person aggrieved by the said Determination may within 15 days thereafter file a petition with the Administrator requesting that he review the action of the said representative upon the record of the hearing before the said representative; and

Whereas petitions for review were filed on behalf of the International Longshoremen's and Warehousemen's Union, Local 1–6, the California State Industrial Union Council, affiliated with the Congress of Industrial Organizations, and the Fresno Packing House Employees Union No. 19655, affiliated with the American Federation of Labor; and

Whereas the issues raised by said petitions have been carefully considered by the Administrator; and

Whereas no other petition for review has been filed within the said 15 days; and

Whereas said Findings and Determination are found to be in accordance with the testimony, statements and briefs submitted at said hearing,

Now, therefore, pursuant to the provisions of Part 526 of the said Regulations, as amended,

1. The petitions for review on behalf of the International Longshoremen's and Warehousemen's Union, Local 1–6, the California State Industrial Union Council, affiliated with the Congress of Industrial Organizations, and the Fresno Packing House Employees Union No. 19655, affiliated with the American Federation of Labor, are hereby denied.

2. The exemption provided by section 7 (b) (3) of the Fair Labor Standards Act of 1938 will become effective on the date this notice appears in the FEDERAL REGISTER. The said exemption is applicable only as specified by the aforesaid Findings and Determination.

Signed at Washington, D. C., this 13th day of August 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–6108; Filed, August 18, 1941; 11:50 a. m.]

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[1] This affects tabulation contained in § 526.101 *Finding of seasonal industry.*

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-544]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BEAVER FORK COAL COMPANY, A CODE MEMBER PRODUCER IN DISTRICT NO. 4 FOR A REDUCTION IN MINIMUM TRUCK PRICES ESTABLISHED FOR ITS BEAVER FORK MINE (MINE INDEX NO. 2531)

An original petition having been filed with the Bituminous Coal Division on January 4, 1941, by Beaver Fork Coal Company, a code member producer in District 4, requesting a reduction in the effective minimum prices heretofore established for the coals produced at its Beaver Fork mine in District No. 4;

Pursuant to an Order of the Director dated April 22, 1941, a hearing was held in this matter on May 20, 1941, before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division, Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and temporary relief pending final disposition of this matter having been granted by Order of the Director dated January 29, 1941, 6 F.R. 696;

The preparation and filing of a report by the Examiner having been waived and the matter having thereupon been submitted to the Director; and the Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 324.24 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments be and it hereby is amended and the following minimum prices are established as the effective minimum prices for the coals in the size groups indicated, produced at the Beaver Fork Mine (Mine Index No. 2531) of the Beaver Fork Coal Company:

Size Group: 1, 285; 2, 275; 3, 260; 4, 235; 5, 235; 6, 220; 7, 190; 8, 180.

Dated: August 15, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6099; Filed, August 18, 1941; 10:34 a. m.]

[Docket No. A-99]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR APPROVING AND ADOPTING WITH AMENDMENT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER, OVERRULING PETITIONER'S EXCEPTIONS THERETO, AND GRANTING PERMANENT RELIEF IN PART IN THE MATTER OF THE PETITION OF BELLEMEAD COAL COMPANY FOR THE REDUCTION IN CLASSIFICATIONS OF THE COALS OF THE MORRISON MINE, MINE INDEX NO. 127, DISTRICT NO. 7, IN SIZE GROUPS 8, 9, AND 10, AND FOR TEMPORARY RELIEF

This proceeding was instituted by a petition, as amended, filed with the Bituminous Coal Division on October 8, 1940, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Bellemead Coal Company, a code member producer in District 7. The petition requests a temporary and permanent reduction of the minimum price classifications of coals of petitioner's Morrison Mine[1] (Mine Index No. 127) in Size Groups 8, 9, and 10 from "B" to "D" for shipment to all market areas. District Boards 7 and 8 and numerous code members of District 7 filed intervening petitions

At the request of original petitioner and after due notice to interested persons, an informal conference on its request for temporary relief was held on October 21, 1940. By an Order of the Director dated November 1, 1940, 5 F.R. 4373, temporary relief pending final disposition of the petitions herein was granted, temporarily establishing the classification "C" for the Morrison Mine coals, in Size Groups 8 and 9, there being no opposition to relief to that extent. By supplemental petition filed November 4, 1940, petitioner requested a temporary reduction in Size Group 10 in which it had been given a new temporary price classification of "B" in Docket No. A-48. By Order of the Director dated November 8, 1940, 5 F.R. 4462, a temporary reduction to "C" was given in Size Group 10.

Pursuant to an Order of the Director dated November 1, 1940, a hearing in this matter was held on December 5, 1940, and January 16, 1941, before Edward J. Hayes, a duly designated examiner of the Division, at hearing rooms thereof in Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. At the hearing, District Board 7 actively opposed any final relief to petitioner or to intereveners Low Volatile Coal Company and Red Jacket Coal Corporation, the latter two having prayed for the same relief as might be granted to petitioner, but having presented no evidence.

Thereafter, the Examiner made his Report, Proposed Findings of Fact, Conclusions of Law and Recommendations dated May 16, 1941, in which he found he "B" classification for petitioner's Morrison Mine coals proper, and recommended denial of relief to it and to interveners Low Volatile Coal Company and Red Jacket Coal Company; and recommended termination of the temporary relief. The Examiner summarized his proposed findings as follows:

[1] Petitioner's mine is now known as "Bellemead Mine," but the older name will be used here for uniformity with the petition and Examiner's report.

The Morrison Mine coals in Size Groups 8, 9 and 10 have in the past had a fairly wide market because of their high B. t. u. content, their physical characteristics and their burning qualities. The evidence indicates that the coals have a lower ash fusion temperature than other coals of District 7 similarly classified "B" but this does not appear to have altered significantly the markets for the Morrison Mine coals. The operating time of the Morrison Mine and the distribution of its slack sizes were somewhat curtailed after October 1, 1940, the effective date of the minimum prices, but the record does not indicate that the difficulties experienced in marketing the Morrison slacks and the consequent restriction of operating time were caused by the incidence of the effective minimum prices. In fact it appears that these conditions were owing at least in part to Bellemead's failure conscientiously to endeavor to dispose of the Morrison Mine slack coals at the effective minimum prices. There is no adequate evidence that the relative market values of the coals are not reflected in the effective minimum prices as established on October 1, 1940, or that their existing fair competitive opportunities have been prejudiced by such prices.

Original petitioner, Bellemead Coal Company, on June 7, 1941, filed exceptions to the Examiner's report. The exceptions are accompanied by a satisfactory statement of reasons for their late filing, with a request for leave to file. In the absence of any opposition thereto, and since it does not appear that anyone will be injured thereby, the exceptions have been received and considered.

On June 12, District Board 7 filed a statement in support of the Examiner's findings.

Petitioner's exceptions include 22 specifications of alleged facts not found by the Examiner and 7 exceptions to facts which were found by the Examiner and, in general, cover the entire evidence in the case.

Requests for findings can be conveniently grouped as follows:

(1) Petitioner's first 12 requests for findings pertain to comparative physical and analytical qualities of coals. Request is made in items 1 and 2 for a finding that enumerated coals in Classes "B" and "D" are "representative" of those classifications. Since proper comparison involves all coals in a classification, no such factual restriction should be made. In items 4 and 8, requested findings that Morrison slack coals when burned at Virginia Electric Power Company's plant are of no different value than Olga No. 1 and Olga No. 2 slacks, classified "D" and cannot at a "B" classification compete with "D" coals there, are improper as being confined to one consumer, and unsupported by sufficient evidence.

Items 6, 9 and 10, pertaining to nonadaptability of Morrison slack to stoker plants, are not supported by sufficient evidence. Witness Mead, president of petitioner, testified very generally and

as a matter of opinion, that Morrison slack is unsuited to stokers because it clinkers. He did not differentiate types of stokers or types of clinker. Petitioner's sales agent gave opinion evidence in support. Neither is a combustion engineer, and neither laid any firm basis for his opinion with regard to this particular coal. No failure in any attempted use of Morrison coal in stokers was proved. On the other hand, a witness for District Board 7 testified that many low fusion coals are used in certain types of stokers.

In general, petitioner's first 12 requests for findings all ignore the fact that the low fusion and high sulphur content of its coal are counterbalanced, at least for use in pulverized fuel plants, by the nature of the ash, which is said not to adhere to boiler tubes, and by the desirable physical and burning qualities referred to in the Examiner's findings. As against petitioner's theory, in practice two dry bottom pulverized fuel installations in New England, and one in Virginia, have used Morrison coal in substantial quantities. The requests are unsupported by the testimony and should be denied.

(2) Petitioner's requests numbered 13, 14 and 15, seek findings that the "B" classification of its coals is responsible for their failure to sell after minimum prices went into effect. Such findings would be contrary to the proposed findings and the ultimate conclusion of the Examiner which are amply supported by the evidence which shows that petitioner exercised very little effort to sell its coal at the "B" classification price elsewhere than in Market Area 100.

(3) Petitioner's requests numbered 16 to 20, inclusive, pertain to matters of realization, and to its contention that it should have a price classification enabling it to market its screenings on Market Area 100 or other chosen market areas yielding a high return with low commission, in such volume as to balance the cost of operation of its mine. Although it would be most desirable for the industry if all mines could operate at a profit, such standards of equalization of costs and realization as are provided by the Bituminous Coal Act require adjustment by Minimum Price Areas and not by producers, and cover enumerated costs as distinguished from the over-all costs of a business enterprise. The findings requested are nonessential and are predicated upon testimony pertinent only to indicate producer's reasons for neglecting its New England market. Furthermore, requests numbered 18, 19, and 20 require conclusions regarding petitioner's cost of operation and minimum profitable production which the Director is unable to reach upon the scanty testimony given thereon.

(4) Requests for findings numbered 21 and 22, which in substance are that as an ultimate fact petitioner's coals are improperly classified at "B", are contrary to the facts, and are denied.

Petitioner excepts to the findings of the Examiner, stated by the petitioner as follows:

1. That two large pulverized fuel plants which used Morrison mine coals during 1937, 1938, and 1939 in dry bottomed pulverized fuel plants and in stoker plants look with great favor on the Bellemead coals because of their high B. t. u. content, the burning quality induced by their volatile content and the physical characteristics of the coals which keep them in a dry state during shipment.

2. That it is questionable whether the difficulties in distribution of the petitioner and the curtailment of operating time immediately after October 1, 1940, were consequences of the effective minimum prices. The abnormal movement of slack sizes during that period may well be ascribable to the attempt of large consumers to bring pressure to bear on producers and to force down the minimum price level fixed pursuant to the Act.

3. That Bellemead apparently did not make an honest effort to sell its slack sizes at the "B" classification established on October 1, 1940.

4. That the record, in fact, indicates that obvious opportunities to sell slack coals have been consciously neglected.

5. That the Morrison mine coals in Size Groups 8, 9 and 10 have in the past had a fairly wide market because of their high B. t. u. content, their physical characteristics and their burning qualities.

6. That the fact that the Morrison coals have a lower ash fusion temperature than other coals of District No. 7 similarly classified "B" does not appear to have altered significantly the markets for the Morrison mine coals.

7. That the record does not indicate that the difficulties experienced in marketing the Morrison slacks after October 1, 1940, and the consequent restriction of operating time were caused by the incidence of the effective minimum prices.

No useful purpose would be served by disposing of the points individually. Points 2 and 3 are torn from their setting and from the qualifying statements surrounding them. The Director has reviewed the entire evidence and finds that it amply supports all of the Examiner's findings. The evidence shows that petitioner's mine was financially unsuccessful and its sales had been falling off for a number of years before establishment of minimum prices. When the petitioner took over the property in the summer of 1940 as a nominee of the lessors of the mineral rights it was to salvage the operation. Apparently with profits in mind, it has neglected other markets than those with the best yield. The record does not prove that price classifications are responsible for petitioner's failure to market its coals.

Petitioner in its exceptions indicates a fear that it will lose its present slack customer if its temporary price classification of "C" is terminated, and suggests that it may move to reopen this docket to offer evidence of facts arising since the date of the hearing. The Director is not convinced that this customer will be lost; judgment upon any motion to reopen can be reserved until the same if filed.

No effective minimum price was established for coals of Morrison mine in Size Group 10 as of October 1, 1940. On September 28, 1940, in Docket No. A–48 District Board 7 proposed such a price for Morrison mine among others, in Size Group 10, and a temporary price classification of "B" was established therefore by Order of October 3, 1940, 5 F.R. 3918, in that docket. The original petition in Docket No. A–99 sought a reduction of price in Size Groups 8 and 9 only and was amended by supplemental petition requesting temporary relief in Size Group 10, which was granted on November 8, 1940. In the Order of the Director Granting Permanent Relief and the accompanying Findings of Fact and Conclusions of Law dated February 13, 1941, 6 F.R. 1148, in Docket No. A–48, petitioner's Morrison Mine (there referred to by its new name of Bellemead Mine) was deleted therefrom as being involved in Docket No. A–99 and the price subject to determination here. In accordance with the evidence and with the "B" classification of its coals in Size Groups 8 and 9, an effective minimum price classification of "B" in Size Group 10 should be established herein, effective upon termination of the temporary relief.

Now, therefore, it is ordered, That the exceptions of petitioner Bellemead Coal Company to the Proposed Findings of Fact and Conclusions of Law of the Examiner be accepted as filed in proper time, and having been considered, that they are hereby severally overruled;

It is further ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner, amended as noted above, be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That, effective ten (10) days from the date hereof, § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck, Low Volatile Section, shall provide for the coals in Size Groups 8, 9 and 10 produced by Bellemead Coal Company at its Bellemead (formerly Morrison) mine, Mine Index No. 127, an effective minimum price classification of "B" for shipment into all Market Areas;

It is further ordered, That in all other respects the prayers of the original petitioner are denied, and that the prayers of interveners Low Volatile Coal Company and Red Jacket Coal Corporation be and they hereby are denied;

It is further ordered, That the temporary relief granted to said original petitioner by Orders of the Director dated November 1 and 8, 1940, 5 F.R. 4373 and 5 F.R. 4462, granting to its coals a reduction to "C" in Size Groups 8, 9 and 10 be and the same hereby is terminated, to take effect ten (10) days from the date hereof.

Dated: August 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6097; Filed, August 18, 1941; 10:32 a. m.]

[Docket No. A-689]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR ORDER OF CHANGE IN THE ESTABLISHED MINIMUM PRICES UPON ON-LINE RAILWAY LOCOMOTIVE FUEL SOLD BY MINES WITHIN FREIGHT ORIGIN GROUP NO. 128

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 8, seeking a modification of the exceptions to the Price Schedule of District 8 for high volatile coal for railway locomotive fuel for on-line railways;

A hearing having been held on March 25, 1941, before a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C.;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 328.13 (*Special prices*—(c) *Railway locomotive fuel*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be, and it hereby is, amended by providing that the Winifrede Collieries, Inc., may sell coal to the Chesapeake and Ohio Railway for locomotive fuel at a net price not less than the applicable railway locomotive fuel price less a deduction of 30 cents per net ton, in the following manner:

District No. 8—High Volatile Section IV—Special Prices

A. *Railway locomotive fuel*—1. *For On-Line Railways*—(c) *Exceptions to On-Line Railway Locomotive Fuel Prices*—(1) Coal originating on the following common carrier short-line railroads and purchased for locomotive fuel by the trunk line railroad with which the short-line railroad connects exclusively may be sold to the purchasing trunk line railroad at a net price not less than the applicable Railway Locomotive Fuel price, less the following deductions in cents per net ton:

Mines within freight origin group No.—	Originating railway	Amount of deduction
		Cents
121	B C & G R. R.	15
122	Campbells Creek R. R.	15
124	Kanawha Central Railway	15
125	K C & N W R. R.	15
126	Middle Creek R. R.	15
128	Winifrede R. R.	30
129	Kelleys Creek Ry.	15

It is further ordered, That in all other respects the petition herein be and the same hereby is denied.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6098; Filed, August 18, 1941; 10:33 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES DEPARTMENT OF THE TREASURY

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 71 UNDER EXECUTIVE ORDER NO. 8389,[1] APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[2]

AUGUST 16, 1941.

§ 131.71 *General license No. 71.* (a) A general license is hereby granted authorizing the payment from any blocked account to any publisher or agent thereof for an individual subscription to a periodical published within the United States, provided that:

(1) Such publisher (and the agent thereof, if payment is made to an agent of such publisher) is located within the United States; and

(2) The total amount of any such payments from any blocked account does not exceed $25 in any one month and does not exceed $100 in any one year.

(b) This general license also authorizes the mailing by any publisher or agent thereof of periodicals to any addressees, provided that the periodicals are separately mailed from the United States direct to each addressee.

(c) The term "periodical" as used in this general license shall include, but not by way of limitation, any newspaper whether published daily or less frequently.

(d) Banking institutions within the United States engaging in any transactions authorized by this general license shall file with the appropriate Federal Reserve Bank on or before the first day of January, April, July and October reports indicating details of such transactions during each such quarterly period, including appropriate identification of the accounts which are debited, and the total amounts debited to each such account.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6075; Filed, August 16, 1941; 12:48 p. m.]

[1] 6 F.R. 2897, 3715.

[2] Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No. 23]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of Paragraph 163 and Appendix A[1] to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 42A, entitled "Affidavit to Support Claim for Occupational Deferment," effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6074; Filed, August 16, 1941; 11:51 a. m.]

[1] 5 F.R. 3784, 3785, 6 F.R. 1964.

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ADMINISTRATOR OF EXPORT CONTROL

EXPORT CONTROL SCHEDULE NO. 17 [1]

By virtue of the Military Order of July 2, 1940, and Executive Order No. 8712,[2] I, Russell L. Maxwell, Administrator of Export Control, have determined that:

1. Effective August 29, 1941, the forms, conversions, and derivatives of Rubber (item 2, t., Proclamation No. 2413 [3]) shall include the following (in addition to Rubber as listed in Export Control Schedule No. 12):

Vegetable products

Unit of quantity	Commodity description	Department of Commerce No.
	RUBBER	
Lb.	Rubber scrap containing less than 5 percent rubber (Include used casings averaging less than $2 each).	2012.99
Gal.	Rubber cements	2014
Lb.	Rubberized automobile cloth (Include rubber-coated and rubber-combined cloth).	2016
Lb.	Other rubberized piece goods and hospital sheeting. (Include raincoat, apron, crib, piano and organ bellows, backing, adhesive, and typewriter cover) (Specify type).	2017
	Rubber footwear:	
Lb.	Boots	2031
Lb.	Rubber shoes	2032
Lb.	Canvas shoes with rubber soles	2034
Lb.	Rubber soles	2036
Lb.	Rubber heels	2037
Lb.	Rubber soling and toplift sheets	2038
Lb.	Rubber gloves and mittens	2039
	Druggists' rubber sundries (except surgeons' and household gloves):	
Lb.	Water bottles and fountain syringes.	2040
Lb.	Other druggists' rubber sundries (Specify by name) (Include rubber sponges).	2042
Lb.	Clothing of rubber or of rubberized cloth. (Include rubber aprons, baby pants, bibs, bathing suits, capes, raincoats, etc.).	2043
Lb.	Rubber balloons, except toy balloons and balloon novelties.	2045
Lb.	Bathing caps	2047
Lb.	Rubber bands	2048
Lb.	Rubber erasers (Specify type)	2049
	Hard rubber goods (except druggists' sundries):	
	Electrical:	
Units	Battery boxes (include composition and part rubber).	2053
Lb.	Other electrical hard rubber goods (Include parts of battery boxes) (Specify by name).	2054
Lb.	Combs finished	2058
Lb.	Other hard rubber goods (except electrical) (Specify by name).	2059

[1] The numbers which follow the commodity description in the following schedule refer to Commerce Department classifications established in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States", or, where indicated, Schedule F, "Statistical Classification of Foreign Commodities Exported from the United States". The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

The additional forms, conversions, and derivatives determined by the schedule will be incorporated in the next issue of the Comprehensive Export Control Schedule to be published September 1, 1941.

[2] 5 F.R. 2491; 6 F.R. 1501.

[3] 5 F.R. 2467.

Vegetable products—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	RUBBER—continued	
	Tires and inner tubes:	
	Solid tires:	
Lb.	Other than for automobiles and trucks.	2067
	Tire sundries and repair materials:	
Lb.	Other than camelback	2069.99
Lb.	Rubber and friction tape	2084
	Rubber hose and tubing:	
Lb.	Garden hose	2087
Lb.	Other hose and tubing (Specify type).	2088
Lb.	Rubber packing	2093
Lb.	Mats, matting, flooring, and tiling.	2094
	Rubber thread:	
Lb.	Bare (uncovered)	2095.1
Lb.	Textile covered	2095.2
Lb.	Gutta-percha manufactures. (Include gutta-percha compound).	2096
Lb.	Latex or other forms of rubber compounded or processed for use in further manufacture. (Include rubber sheets, compounded, or processed, and masterbatch).	2090
Lb.	Synthetic rubber sold in bulk as raw material.	2099.1

2. Effective August 29, 1941, the forms, conversions, and derivatives of Chemical Wood Pulps (item 7, Proclamation No. 2482 [4]) shall include the following (see addition to Chemical Wood Pulps as listed in Export Control Schedule No. 8):

Wood and Paper

Unit of quantity	Commodity description	Department of Commerce No.
	Wood pulp (air-dry weight):	
Lb.	Sulphite wood pulp, unbleached	4604
Lb.	Soda wood pulp	4606
Lb.	Sulphate wood pulp, unbleached (Kraft pulp).	4608
Lb.	Sulphate wood pulp, bleached	4610
Lb.	Other chemical wood pulp	4619

3. Effective August 29, 1941, the forms, conversions, and derivatives of Iron and Steel (Proclamation No. 2449 [5]) shall include the following (in addition to Iron and Steel as listed in Export Control Schedules Nos 1 and 2):

Iron and steel

Unit of quantity	Commodity description	Department of Commerce No.
	STEEL MILL MANUFACTURES	
	Structural iron and steel:	
Lb.	Metal lath (expanded metal)	6048
Lb.	Sash and frames of iron or steel	6049
	Railway-track material:	
	Rails:	
Lb.	Railroad bolts, nuts, washers, and nut locks.	6059
	Tubular products:	
Lb.	Malleable iron screwed pipe fittings.	6065
Lb.	Cast-iron screwed pipe fittings	6066
Lb.	Cast-iron pressure pipe fittings	6067.99
Lb.	Cast-iron soil pipe fittings	6068.99

[4] 6 F.R. 2373.

[5] 5 F.R. 4903.

Iron and steel—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	STEEL MILL MANUFACTURES—continued	
	Tubular products—Con.	
Lb.	All other iron and steel pipe fittings.	6077.99
	Wire and manufactures:	
	Woven-wire screen cloth. (Include screen cloth made of any metal or alloy):	
Lb.	Insect	6086.1
Lb.	Other	6086.9
Lb.	Other wire and manufactures, including card clothing.	6091.99
	Nails and bolts (except railroad):	
Lb.	Wire nails	6092
Lb.	Horseshoe nails	6093
Lb.	Tacks	6094
Lb.	Other nails and staples	6095
Lb.	Bolts, machine screws, nuts, rivets, and washers (except railroad).	6099
	Castings and forgings:	
	Railway car wheels, tires and axles:	
Lb.	Railway car tires and locomotive car wheels.	6105.19
Lb.	Railway locomotive car axles without wheels.	6105.29
Lb.	Railway car axles fitted with wheels, locomotive.	6105.39
Lb.	Horseshoes and calks	6106
	Iron and steel forgings: Not containing alloy:	
Lb.	Grinding balls	6107.01
	Alloy steel including stainless:	
Lb.	Grinding balls	6108.01
	ADVANCED MANUFACTURES	
	Cutlery:	
Units	Razors, safety	6112
Units	Safety-razor blades	6113
Units	Scissors, shears, and snips	6114
Units	Table cutlery, including forks	6115
Units	Butchers' and kitchen knives, forks, cleavers and steels.	6116
	Machine Knives:	
Units	Machine Knives in addition to those listed in previous numbered Export Control Schedules.	6118.99
Units	Other cutlery and parts. (Include cutlery-sharpening devices, can openers and matchets.)	6119
	Hollow ware:	
Lb.	Tin and galvanized hollow ware	6121
Lb.	Other tin cans, finished or unfinished.	6122.99
	Enameled ware of iron or steel:	
Units	Bathtubs	6124
Units	Lavatories, sinks, and other plumbing fixtures.	6125
Lb.	Table, household, kitchen and hospital utensils, and hollow or flat ware.	6126
	Metal furniture and fixtures:	
Units	Sheet-metal storage cabinets, medicine cabinets, and lockers.	6129
Units	Sheet-metal shelving and well bins.	6130
Units	Sheet-metal filing cases with exposed drawers (Insulated).	6132.5
Units	Sheet-metal filing cases with exposed drawers (Not insulated).	6131
Units	Fire resistive safes and vault doors (Insulated).	6133.5
Units	Bank vaults, doors, and interior equipment (Include burglary-resistive chests and safes not insulated).	6134
Units	Other office and store furniture, fixtures, and parts.	6135
Units	Metal beds and bed springs	6136
Units	Other metal furniture and parts, whether or not upholstered.	6137
	Cooking and heating stoves, except electric:	
Units	Coal and wood cooking and room-heating stoves.	6139
Units	Gas stoves, ranges, and room and water heaters.	6143
Units	Kerosene cooking stoves	6144
Units	Kerosene room and water heaters.	6145
Units	Gasoline stoves and room and water heaters.	6146
Units	Parts of gas, kerosene, and gasoline stoves and heaters (include cabinets, ovens, mounted wicks, etc.).	6147.99

Iron and steel—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	ADVANCED MANUFACTURES—continued	
	Central heating equipment:	
Units	House-heating boilers and warm-air furnaces.	6148
Units	House-heating radiators (sq. ft. radiation).	6149
Units	Domestic conversion oil burners and oil-fired boilers.	6150
Units	Industrial conversion oil burners and oil-fired burners.	6151
Units	Domestic and industrial oil burner parts.	6152.2
Units	Other domestic cooking or heating equipment (includes domestic gas burners, domestic coal stockers, unit heaters, and cast iron parts of stoves, furnaces and boilers).	6152.89
	Tools:	
Units	Axes (broad and hand)	6153
	Hack-saw blades:	
Units	For power machines	6154.43
Units	Other	6154.99
Units	Circular saws, except diamond	6155.19
Units	Crescent, hand, hack, and other saws and parts, * * * (Include saw-teeth, hack-saw frames, and coping-saw blades).	6156.99
Units	Augers, bits, gimlets, gimlet bits, and counter sinks: woodworking.	6157.1
	Files and rasps:	
Units	Less than 7 inches in length	6158.1
Units	7 inches or more in length	6158.5
Units	Hay and manure forks	6159
Units	Hammers and hatchets	6160
Units	Hand hoes, rakes, and forks	6161
Units	Shovels, spades, scoops, and drainage tools.	6162
Units	Vises	6163
Units	Automotive wrenches and parts	6164
Units	Other wrenches and parts (except automotive).	6165
	Hand-operated screw plates, bolt dies, taps, tap wrenches, and parts:	
Units	Taps, bolt dies, screw plates for metal-working machinery.	6168.43
Units	Other (Include parts)	6168.99
	Hand-operated pipe stocks and dies, die stocks, dies, bushings, and parts:	
Units	Pipe stocks and dies, and dies for metal-working machines.	6169.43
Units	Other (Include parts)	6169.99
Units	Hand-operated pipe cutters and other metal-cutting tools, and parts, *, * * (Include bolt clippers).	6170
Units	Slip joint pliers	6172
Units	Other pliers, pincers, nippers, and splicing clamps.	6173
Units	Hand and machine drill and reamer operating devices, drill presses, bit braces and parts.	6177
Units	Planes, chisels, gouges, and other cutting tools and parts.	6178.1
Units	Mechanics' tools (Tool holders), Micrometers, calipers.	6178.95
	Hardware:	
Units	Padlocks of iron, steel, brass, and bronze.	6179
Units	Door locks and lock nuts of iron, steel, brass, and bronze.	6180
Units	Cabinet and other locks of iron, steel, brass, and bronze.	6181
Units	Hinges and butts, iron or steel	6182
Units	Other builders' hardware	6183
Units	Furniture casters	6184.5
Units	Other furniture hardware	6184.9
Units	Saddlery and harness hardware	6185
Units	Car and marine hardware	6186
Units	Other hardware	6188
Lb	Sewing-machine needles (Include Shoe-machine needles).	6189
Lb	Other needles (Include hand-sewing and knitting machine needles).	6190
Lb	Sprocket and other power transmission chains.	6191
Lb	Other chains	6192
	Automatic scales:	
Units	Bathroom	6195.1
Units	Other	6195.9
Units	Precision scales, laboratory balances and weights.	6197
Units	Other scales and balances	6198
Lb	Wood screws (of iron or steel only).	6200
	Metal drums and containers for oil, gas and other liquids (filled or unfilled):	
Lb	Others, in addition to those listed in previous numbered Export Control Schedules.	6205.99

Iron and steel—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	ADVANCED MANUFACTURES—continued	
Lb	Other iron and steel manufactures (Include bottle openers, hand bottle cappers, sheet steel ware, steel stampings, manufactures of stainless and alloy steel).	6209.99
	FERRO-ALLOY	
Lb	Ferro-alloys in addition to those listed in previous numbered Export Control Schedules.	6220.99

4. Effective August 29, 1941, the forms, conversions, and derivatives of the following Nonferrous Metals, designated in the various Proclamations (hereinafter indicated) issued pursuant to section 6 of the Act of July 2, 1940, shall include the following (in addition to Nonferrous Metals as listed in the several numbered Export Control Schedules previously issued):

Nonferrous metals:	*Proclamation No.*
Aluminum	2413
Copper	2453
Brass and Bronze	2453
Lead	2464
Nickel	2453
Tin	2413
Zinc	2453
Manganese	2413

Nonferrous metals

Unit of quantity	Commodity description	Department of Commerce No.
	Aluminum, aluminum alloys, including duraluminum:	
Lb	Table, kitchen, and hospital utensils.	6307
Lb	Aluminum manufactures, in addition to those listed in previous numbered Export Control Schedules.	6309.99
	Copper:	
Lb	Copper manufactures, in addition to those listed in previous numbered Export Control Schedules.	6439.99
	Copper salts and compounds. (See chemicals).	
	Brass and bronze, including gilding metal:	
	Pipe valves:	
Lb	Pipe valves in addition to those listed in previous numbered Export Control Schedules.	6454.59
Lb	Brass wood screws (whether or not plated).	6458
Lb	Hinges and butts of brass or bronze.	6465
Lb	Other hardware of brass or bronze.	6469
	Brass and bronze munitions:	
Lb	Others, in addition to those listed in previous numbered Export Control Schedules.	6479.05
Lb	Brass and bronze manufactures in addition to those listed in previous numbered Export Control Schedules.	6479.99
	Lead, including antimonial lead:	
	Manufactures:	
Lb	Lead manufactures, in addition to those listed in previous numbered Export Control Schedules.	6515.99
	Nickel:	
Lb	Nickel manufactures, in addition to those listed in previous numbered Export Control Schedules.	6549.99
	Tin manufactures:	
Lb	Others, in addition to those listed in previous numbered Export Control Schedules.	6565.99

Nonferrous metals—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	Zinc:	
	Zinc manufactures:	
Lb	Others, in addition to those listed in previous numbered Export Control Schedules.	6539.99
	Manganese:	
Long ton	Ores and concentrates, in addition to those listed in previous numbered Export Control Schedules.	6645.99
Lb	Alloys containing less than 10% manganese.	6649.99

5. Effective August 29, 1941, the forms, conversions, and derivatives of Machinery (Proclamation No. 2475 [6]) shall include the following (in addition to Machinery as listed in the several Export Control Schedules previously issued):

Machinery

Unit of quantity	Commodity description	Department of Commerce No.
	ELECTRICAL MACHINERY AND APPARATUS	
	Generators:	
Units	Direct current, under ¾ kilowatts.	7000
Units	Alternating current, under ¾ kilowatts.	7001
	Steam turbine generator sets:	
Units	Under ¾ kilowatts	7006
Units	Other accessories and parts for generators.	7009.99
Units	Other self-contained lighting outfits.	7011.99
Units	Wind-driven generators	7012
	Batteries:	
Units	6 and 12 volt storage batteries	7013
Units	Other storage batteries	7014
Units	No. 6 dry-cell batteries	7015
Units	Flashlight batteries	7016
Units	Batteries, dry, multiple cell, except flashlight.	7017
Units	Other dry and wet cell primary batteries.	7018
Units	Capacitors ½ kilovolt ampere and larger.	7109
	Transforming or converting apparatus:	
Units	Power transformers, over 500 kilovolt amperes.	7021
Units	Distribution transformers, 500 kilovolt amperes and less.	7022
Units	Instrument transformers	7023
Units	Other transformers	7024
Units	Mercury power rectifiers	7026
	Rotating converters:	
Units	Under ¾ kilowatts	7027.1
Units	Complete battery chargers, nonrotating including rectifier tubes (tungar tubes).	7028
	Transmission and distribution apparatus:	
Units	Feeder voltage regulators, including induction and step-type feeder voltage regulators.	7030
Units	Switchboard panels and parts except telephone.	7031.99
Units	Oil circuit breakers and switches (include outdoor and indoor).	7032
Units	Power switches, circuit breakers over 10 amperes, and parts (Include network protectors).	7033
Units	Fuses in addition to those listed in previous numbered Export Control Schedules.	7034.99
Units	Watt-hour and other measuring meters.	7035
	Electric indicating instruments:	
Units	Others In addition to those listed in previous numbered Export Control	7036.99

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Machinery—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	ELECTRICAL MACHINERY AND APPARATUS—continued	
	Capacitors ½ kilovolt ampere and larger—Con.	
	Transmission and distribution apparatus—Continued.	
Units	Electrical recording instruments, tension, ductility, compression, hardness, torsion and flawtesting machines, including dynamometers.	7037
Units	Electrical recording instruments, other.	7037
	Electrical testing apparatus and parts:	
	Others in addition to those listed in previous numbered Export Control Schedules.	7038.99
Units	Lightning arresters, choke coils, reactors, and parts.	7039
	Motors, starters and controllers:	
Units	Electric locomotives, railway, mining and industrial.	7045
Units	Electric industrial trucks and tractors in addition to those listed in previous numbered Export Control Schedules.	7047.99
Units	Starting and controlling equipment for industrial motors and parts.	7048.99
Units	Starting and controlling equipment for electric railway and vehicle motors and parts in addition to those listed in previous numbered Export Control Schedules.	7049.99
Units	Accessories and parts for motors, in addition to those listed in previous numbered Export Control Schedules.	7055.99
	Portable electric tools:	
Units	Portable electric tools in addition to those listed in previous numbered Export Control Schedules.	7056.9
	Electric refrigerators and parts:	
Units	Household	7057
Units	Commercial up to 1 ton	7058
Units	Parts for electric refrigerators	7059
	Electrical appliances:	
Units	Flashlight cases	7060
Units	Electric fans	7061
	Electric incandescent lamps:	
Units	For automobile, flashlights, and Christmas trees.	7063
Units	Metal-filament lamps in addition to those listed in previous numbered Export Control Schedules.	7064.99
Units	Electric lamps in addition to those listed in previous numbered Export Control Schedules.	7065.99
Units	Floodlights	7067
Units	Electric household washing machines.	7068.1
Units	Electric household washing machine parts.	7068.3
Units	Electric domestic vacuum cleaners.	7069.1
Units	Electric domestic vacuum cleaner parts.	7069.3
Units	Domestic motor-driven devices, except tools, in addition to those listed in previous numbered Export Control Schedules.	7070
	Electric flatirons:	
Units	Electric flat-irons in addition to those listed in previous numbered Export Control Schedules.	7071.09
Units	Electric cooking ranges	7072
Units	Domestic heating or cooking devices, utensils and parts in addition to those listed in previous numbered Export Control Schedules (Include hot plates and grills).	7073.99
Units	Industrial heating devices and parts in addition to those listed in previous numbered Export Control Schedules.	7074.9
Units	X-ray tubes	7075.1
Units	Other X-ray apparatus and parts	7075.5

Machinery—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	ELECTRICAL MACHINERY AND APPARATUS—continued	
	Electrical appliances—Con.	7075.9
Units	Other therapeutic apparatus and parts.	
	Signal and communication devices:	7078.99
	Radio apparatus:	
Units	Radio receiving tubes (include radio tube ridges and tube spacers) in addition to those listed in previous numbered Export Control Schedules.	7079.05
Units	Receiving-set components, in addition to those listed in previous numbered Export Control Schedules	7080 7081.99
Units	Loud speakers	
Units	Other receiving-set accessories, in addition to those listed in previous numbered Export Control Schedules.	7082
Units	Telegraph apparatus and parts	7083
	Telephone apparatus:	
Units	Telephone instruments	7087
Units	Other telephone equipment and parts (Include intercommunication systems).	7089
Units	Bells, buzzers, annunciators, and alarms.	7092
	Other electrical apparatus:	
Units	Starting, lighting, and ignition equipment.	7093 7094.19
Lbs	Insulating material	
Lbs	Rigid metal conduit in addition to those listed in previous numbered Export Control Schedules.	7094.9
Lbs	Other metal conduit, outlet and switch boxes.	7095
Units	Sockets, outlets, fuse blocks, lighting switches and parts.	7096
Units	Electric interior lighting fixtures and parts.	7097
Units	Electric exterior lighting fixtures and parts.	7098
	Other wiring supplies and line materials.	7099.19
Units	Electric razors in addition to those listed in previous numbered Export Control Schedules.	7099.99
Units	Electric apparatus and parts in addition to those listed in previous numbered Export Control Schedules (Include precipitrons, permanent waving machines, public address equipment, and sound recording equipment, whether or not provided with playback features.)	
	INDUSTRIAL MACHINERY	
	Power-generating machinery, except electric and automotive:	
	Steam engines, boilers, and accessories:	7111 7113
Units	Stationary, except turbines	7114
Units	Mechanical-drive turbines	7115
Units	Locomotives	
Units	Locomotive parts and accessories.	7120
Units	Frames, cradles, bolsters or beds of iron or steel for locomotives and other railway rolling stock.	7129
Units	Engines and parts in addition to those listed in previous numbered Export Control Schedules.	7132
Sq. ft	Steam boilers, fire tube (sq. ft. heating surface).	7133
Sq. ft	Steam boilers, water tube (sq. ft. heating surface).	7135
Units	Condensers, heaters, accessories and parts.	7139.99
Units	Steam specialties and parts (Include injectors, gauges, safety valves, steam traps, boiler-tube cleaners, etc.).	
	Internal-combustion engines:	7140
	Locomotives:	
Units	Gasoline (carburetor type)	
	Other:	
	Gasoline, kerosene, etc. (carburetor type):	7143 7144
Units	Not over 10 horsepower	7159
Units	Over 10 horsepower	
Units	Engine accessories and parts (Include carburetor and parts of marine engines).	7163
Units	Water wheels, water turbines, and parts.	

Machinery—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	INDUSTRIAL MACHINERY—Con.	
	Construction and conveying machinery:	
Units	Excavator parts and accessories	7202
Units	Parts of dredging machinery	7205.99
Units	Concrete mixers (Include paving machines).	7215
Units	Road rollers	7220
Units	Self-propelled graders	7222
Units	Pull or push type graders	7223
Units	Other graders (Include elevating graders).	7224
Units	Scrapers, self loading	7226
Units	Bulldozers, angle dozers, trail builders, brush cutters, and similar equipment.	7227
Units	Road machinery and parts, in addition to those listed in previous numbered Export Control Schedules (Include rooters, rippers, levellers, road drags, and bituminous distributors).	7228
Units	Parts for replacement or repair of construction equipment not specifically described.	7231.05
Units	Other construction equipment and parts in addition to those listed in previous numbered Export Control Schedules.	7231.99
Units	Elevators, freight and passenger	7245
Units	Conveyors, bucket chain, or belt.	7249
Units	Other conveying equipment and parts in addition to those listed in previous numbered Export Control Schedules.	7291
	Mining, well, and pumping machinery:	
	Mining and quarry machinery:	
Units	Coal cutters	7305
Units	Rock drills	7311
Units	Ore and rock crushing and sorting machinery and parts.	7321
Units	Concentrating and smelting machinery and parts (Include floatation machinery).	7331
Units	Other mining and quarrying machinery and parts, in addition to those listed in previous numbered Export Control Schedules (Include cyanide process machinery)	7339
	Well and refining machinery:	
Units	Other well-drilling apparatus and parts, in addition to those listed in previous numbered Export Control Schedules.	7350
	Pumping equipment:	
	Centrifugal pumps:	
Units	Centrifugal pumps in addition to those listed in previous numbered Export Control Schedules.	7355.99
Units	Rotary pumps in addition to those listed in previous numbered Export Control Schedules.	7356.99
Units	Deep well turbine pumps, in addition to those listed in previous numbreed Export Control Schedules.	7357.99
Units	Reciprocating steam pumps, in addition to those listed in previous numbered Export Control Schedules.	7358.99
Units	Other reciprocating power pumps in addition to those listed in previous numbered Export Control Schedules.	7361.99
Units	Hand and windmill pumps	7365
Units	Self-contained household water systems (include only complete systems with both pump and tank, with accessories).	7368
	Pumps and parts:	
Units	Other pumps and parts in addition to those listed in previous numbered Export Control Schedules.	7369.99
	Power-driven metal-working machinery:	7444
Units	Other sheet and plate metal-working machinery and parts, in addition to those listed in previous numbered Export Control Schedules.	
Units	Other foundry equipment and parts, in addition to those listed in previous numbered Export Control Schedules.	7452

Machinery—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	INDUSTRIAL MACHINERY—con.	
	Power-driven metal-working machinery—Continued.	
Units	Other power-driven metal-working machinery and parts, in addition to those listed in previous numbered Export Control Schedules.	7455.99
	Other metal-working machinery:	
Units	Other portable and hand or foot operated metal-working machines and parts, in addition to those listed in previous numbered Export Control Schedules (include acetylene welding outfits).	7458.99
Units	Parts for replacement or repairs of power-driven machinery not specifically described.	7485.01
Units	Metal alloy slugs containing diamonds.	7485.12
Units	Other metal-working machine tools and parts, in addition to those listed in previous numbered Export Control Schedules.	7485.99
	Textile, sewing and shoe machinery:	
	Textile machinery:	
Units	Full-fashioned hosiery knitting machines power-driven.	7500
Units	Circular hosiery knitting machines, power-driven.	7501
Units	Other circular knitting machines.	7502
Units	Other knitting machines and parts.	7504
Units	Winders and parts	7505
	Carding and other preparing, spinning and twisting machinery and parts:	
Units	Cotton	7506
Units	Wool	7507
Units	Other, including silk-throwing machinery and parts.	7508
	Looms and parts:	
Units	Cotton	7515
Units	Other	7516
Units	Parts of looms	7517
Units	Braiding and insulating machines and parts	7540
Units	Beaming, warping, and slashing machinery and parts.	7542
Units	Dyeing and finishing machines and parts.	7544
Units	Other textile machinery and parts.	7549
	Sewing machines:	
Units	For factory or industrial use	7552
Units	Sewing machine parts for factory or industrial use.	7553
Units	Shoe machinery and parts	7575
	Other industrial machinery:	
Units	Cream separators valued at $50, or over.	7592
Units	Other dairy equipment and parts for commercial use (include commercial ice cream freezers).	7593
Units	Bakery machinery and parts	7600
Units	Flour-mill and gristmill machinery and parts.	7605
Units	Rice-mill machinery and parts	7609
	Sugar-mill machinery:	
Units	Cane mills	7612
Units	Other sugar-mill machinery and parts.	7619
Units	Paper and pulp mill machinery and parts.	7625
Units	Paper-converting machinery and parts.	7628
	Woodworking machinery:	
Units	Sawmill machinery and parts.	7631
Units	Planers, matchers, jointers, and molders.	7636
Units	Veneer machinery and parts	7638
Units	Other woodworking machinery and parts.	7639
Units	Blowers and ventilating machinery and parts	7641
Units	Cannery machinery (Include cookers, pulpers, juice extractors, peeling and paring machines, grating machines, vegetable and fruit graders, can testers, machines for applying lacquer or sealing compounds, and similar equipment for use in canneries).	7642

Machinery—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	INDUSTRIAL MACHINERY—con.	
	Other industrial machinery—Continued.	
Units	Bottling, bottle-washing, and bottle labeling machines and parts.	7644
Units	Ice-making equipment and parts.	7650
	Refrigerating equipment and parts:	
Units	Not over 1-ton capacity	7652
Units	Over 1, not over 10 tons capacity.	7653
Units	Over 10 tons capacity	7654
Units	Self-contained air-conditioning units and parts.	7657
Units	Air-conditioning equipment and parts, (include refrigerating apparatus, blowers, ventilating machinery when part of a complete air-conditioning installation).	7658
Units	Vegetable oil-mill machinery and parts.	7661
Units	Cotton gins, cotton presses and parts.	7671
	Air compressors:	
	Stationary:	
Units	Capacity not over 25 cubic feet.	7704
Units	Capacity over 25 cubic feet.	7705
Units	Portable air compressors	7706
Units	Meat and other grinding and slicing power-driven machines (include bread, meat, and cheese slicers, meat grinders and choppers and coffee mills).	7710
Units	Paint-spraying equipment and parts.	7720
	Laundry machinery:	
Units	Power-driven machines for commercial laundries.	7737
Units	Other laundry and dry-cleaning equipment and parts (include hand washing machines and wringers).	7738
Units	Industrial indicating, recording, or controlling instruments and apparatus, in addition to those listed in previous numbered Export Control Schedules (include temperature, pressure and flow regulators and similar equipment).	7740.99
Units	Gas meters and parts	7741
Units	Water meters and parts	7742
Units	Iron or steel body valves and parts for steam, water, oil, and gas, in addition to those listed in previous numbered Export Control Schedules.	7745.99
	OFFICE APPLIANCES	
	Accounting, bookkeeping, and calculating machines:	
Units	Non-descriptive or non-text-writing bookkeeping and accounting machines.	7752
Units	Descriptive or text-writing bookkeeping and accounting machines.	7753
Units	Listing adding machines	7756
Units	Calculating machines, non-listing.	7757
Units	Card-punching, sorting, and tabulating machines (Include all tabulators using punched cards).	7759
Units	Other, including used and rebuilt (Include pocket adding machines and lightning calculators).	7760
Units	Parts for accounting, bookkeeping and calculating machines.	7761
Units	Addressing machines and parts, equipment, accessories and supplies (Include embossing machines and plates of fiber or metal).	7762
Units	Duplicating machines, parts, and supplies for (Include multigraph, mimeograph, hectograph, and similar machines and parts).	7763
	Cash registers:	
Units	New	7764

Machinery—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	OFFICE APPLIANCES—con.	
	Cash registers—Continued.	
Units	Used and rebuilt	7766
Units	Parts	7767
	Typewriters:	
Units	Standard, new	7770
Units	Portable, new	7772
Units	Rebuilt	7774.1
Units	Other, used	7774.9
Units	Parts	7775
Units	Staplers and staples (for office use)	7777
Units	Other office appliances and parts. (Include dictating, mailing, letter-opening and numbering machines, and check protectors and writers, etc.).	7779
	PRINTING AND BOOKBINDING MACHINERY	
Units	Typesetting machines	7790
Units	Printing presses	7791
Units	Bookbinding machinery, accessories and parts.	7793
Units	Other printing and typesetting machinery, parts, and accessories.	7795
	AGRICULTURAL MACHINERY AND IMPLEMENTS	
Units	Bee-keeping equipment (Include beehives, supers, sections, comb foundation, honey extractors, etc.).	7800
Units	Cream separators, valued less than $50.	7801
Units	Other dairy equipment and parts, for farm use.	7802
Units	Incubators and brooders	7804
Units	Other poultry equipment and parts (Include chick feeders, drinking fountains, brood and other poultry coops, dry mash hoppers, grain feeders, trap nests, and laying boxes of iron or wood, etc.).	7806
	Sprayers and dusters:	
Units	Hand sprayers for trees and crops (Valued $2 and over).	7807
Units	Power sprayers for trees and crops.	7808
	Implements of cultivation:	
Units	Horse and power plows (Include disk and moldboard plows and listers).	7810
Units	Harrows (Include tooth or disk pulverizers).	7814
Units	Cultivators, horse and power	7818
Units	Planters, horse and power	7824
Units	Drills and seeders, horse, power, and hand.	7827
Units	Other cultivating implements and parts (Include stalk cutters and plant setters).	7839
	Harvesting machinery:	
Units	Mowers	7841
Units	Lawn mowers, hand and power	7842
Units	Hayrakes and tedders	7844
Units	Grain harvesters and binders	7847
Units	Combines or reaper-threshers (Include combined harvester-threshers).	7849
Units	Other harvesting implements and parts.	7859
	Seed separators:	
Units	Threshers	7861
Units	Corn shellers	7864
Units	Other separators and parts	7869
Units	Feed cutters, grinders, and crushers.	7870
	Tractors and parts:	
	Tracklaying tractors, carburetor type (new):	
Units	Under 35 drawbar horsepower	7873
Units	35 but less than 50 drawbar horsepower.	7874.3
Units	50 but less than 65 drawbar horsepower.	7874.5
Units	65 but less than 80 drawbar horsepower.	7875.3
Units	80 and over drawbar horsepower.	7875.5
	Tracklaying tractors, injection type (new):	
Units	Under 35 drawbar horsepower	7876
Units	35 but less than 50 drawbar horsepower.	7877.3
Units	50 but less than 65 drawbar horsepower.	7877.5
Units	65 but less than 80 drawbar horsepower.	7873.3

Machinery—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	AGRICULTURAL MACHINERY AND IMPLEMENTS—continued	
	Tractors and parts—Con.	
	Tracklaying tractors, carburetor type (new)—Continued.	
Units	80 and over drawbar horsepower.	7878.5
	Wheel tractors (new) (Include wheel tractors less wheels):	
Units	Garden	7879
Units	1 plow	7880
Units	2 plow	7884
Units	3 plow	7885
Units	4 plow and over	7886
Units	Engines for tractors	7887
Units	Used tractors, all types	7888
Units	Parts and accessories for tractors	7889
Units	Windmills	7891
Units	Towers and parts of windmills	7893
Units	Hay presses, hand and power	7896
Units	Other agricultural machinery, implements and parts. (Include land rollers and parts of sprayers.)	7899
	AUTOMOBILES AND OTHER VEHICLES	
	Automobiles, parts, and accessories:	
	Motor trucks, busses, and chassis (new) (include station and warehouse gasoline motor trucks in class according to capacity):	
	Under 1 ton:	
Units	Others, in addition to those listed in previous numbered Export Control Schedules.	7901.99
	1, and not over 1½ tons:	
Units	Others, in addition to those listed in previous numbered Export Control Schedules.	7902.99
	Over 1½ tons, not over 2½ tons:	
Units	Others, in addition to those listed in previous numbered Export Control Schedules.	7903.99
	Over 2½ tons:	
Units	Others, in addition to those listed in previous numbered Export Control Schedules.	7904.59
Units	Bus chassis	7905
Units	Motor trucks, busses, and chassis (second-hand).	7906
	Passenger cars and chassis (new):	
Units	Not over $850 (list price)	7907
Units	Over $850, not over $1,200 (list price).	7908
Units	Over $1,200, not over $2,000 (list price).	7909
Units	Over $2,000 (list price)	7910
Units	Passenger cars and chassis (second-hand).	7911
	Parts, except battery boxes, tires, inner tubes and engines:	
Units	Automobiles parts for assembly (for passenger cars, motor trucks, commercial cars, busses, taxicabs, etc., to be assembled abroad into complete vehicles with American trade names and not comprising sufficient parts to assemble a certain number of vehicles; if assembly parts shipment can be identified as representing the components of vehicle units they should be declared under proper car or truck classifications).	7912
	Automobile parts for replacement on vehicles with either American or foreign trade name or assembly on new vehicles with foreign trade name:	
Units	Automotive axle shafts	7913
	Automobile parts for replacement on vehicles with either American or foreign trade name or assembly on new vehicles with foreign trade name:	
Units	Automotive pistons	7915
Units	Automotive piston rings	7916
Units	Automotive valves	7919
Units	Automotive differential and transmission gears.	7918
Units	Automotive gears	7920
Units	Spark plugs	7921
Units	Automobile and truck springs	7922
Units	Automobile parts for replacements.	7923

Machinery—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	AUTOMOBILES AND OTHER VEHICLES—continued	
	Automobile accessories:	
Units	Automobile horns, hand and electric.	7926
Units	Other automobile accessories (include air cleaners, oil rectifiers, taximeters, and other automobile engine accessories).	7929
	Automobile engines:	
	For assembly on new vehicles with American trade names:	
	Motor truck and bus engines:	
Units	Gasoline (Carburetor type).	7928.5
Units	Passenger car engines	7929
	For replacement on vehicles with either American or foreign trade name or assembly on new vehicles with foreign trade name:	
Units	Gasoline (carburetor type)	7931.5
Units	Automobile tire-service equipment and parts (include vulcanizers, rim tools, tire spreaders, etc.).	7934
Units	Pumps for gasoline and oil	7935
Units	Other automobile service appliances and parts.	7936
Units	Trailers	7940
	Aircraft:	
	Parachute parts and fittings:	
Units	Other parachute parts and fittings in addition to those listed in previous numbered Export Control Schedules.	7945.99
	Parts for aircraft:	
	Aircraft engine parts and accessories:	
Units	Other engine parts and accessories in addition to those listed in previous numbered Export Control Schedules.	7947.99
Units	Other instruments and parts of in addition to those listed in previous numbered Export Control Schedules.	7948.99
Units	Aircraft parts and accessories in addition to those listed in previous numbered Export Control Schedules.	7949.99
	Cycles:	
Units	Bicycles	7950
Units	Motorcycles	7952
Units	Bicycle parts and accessories (except tires).	7953
Units	Motorcycle parts and accessories (except tires).	7954
	Motor boats with engines installed:	
Units	Not over 16 gross tons	7956.3
Units	Over 16 gross tons	7956.5
	Internal-combustion marine engines (carburetor type):	
Units	Detachable motors (outboard)	7957
Units	Other	7959
	Railway cars:	
	Passenger service:	
Units	Electric railway or tram	7960
Units	Steam railway	7961
	Railway motor cars:	
Units	For track inspection and maintenance work (include velocipedes and hand cars).	7962
Units	Passenger cars (include trackless trolleys).	7964
Units	Freight cars over 10 tons capacity	7966
Units	Mine, industrial, and other freight cars, not over 10 tons capacity (include plantation-railway and blast-furnace cars).	7967.5
Units	Air-brake equipment and parts	7968
Units	Parts, except axles and wheels	7969
Units	Railway signals, attachments and parts.	7970
Units	Railway car-heating equipment and parts.	7972
Units	Wagons and drays	7975
Units	Wheelbarrows	7991
Units	Pushcarts and hand trucks	7992
Units	Wheels, except automobile and car	7995
Units	Other vehicles and parts, in addition to those listed in previous numbered Export Control Schedules (include small-watercraft).	7999

6. Effective August 29, 1941, the forms, conversions, and derivatives of Chemicals (item 1, Proclamation No. 2496[1]) shall include the following (in addition to Chemicals as listed in the several Export Control Schedules previously issued):

Chemicals

Unit of quantity	Commodity description	Department of Commerce No.
	COAL-TAR PRODUCTS	
Gal	Crude and refined coal tar	8005
Gal	Benzol	8006
Lb	Coal-tar pitch	8007
Gal	Creosote or dead oil	8010
Lb	Xylene (xylol)	8012
Lb	Other crude-coal-tar products, in addition to those listed in previous numbered Export Control Schedules.	8020.99
Lb	Coal-tar chemicals used in connection with explosives in addition to those listed in previous numbered Export Control Schedules.	8024.01
Lb	Other coal-tar acids in addition to those listed in previous numbered Export Control Schedules.	8024.99
Lb	Beta naphthol and beta naphthol flakes.	8025.3
Lb	Other coal-tar intermediates in addition to those listed in previous numbered Export Control Schedules.	80259
Lb	Rubber compounding agents of coal-tar products (Include accelerators, retarders and anti-oxidants).	8028
Lb	Coal-tar colors, dyes, stains, and color lakes.	8059
Lb	Vanillin	8060
Lb	Other finished coal-tar products (exclusive of medicinals, in addition to those listed in previous numbered Export Control Schedules).	8069.99
	MEDICINAL AND PHARMACEUTICAL PREPARATIONS	
Gal	Castor-oil	8111
Gal	White mineral oil	8113
Lb	Vitamines and vitasterols (Include food hormones, concentrates A, B, C, D, E, F, G, P, and __, synthetics such as ascorbic acid, thiamin chloride, medicinal fish oil, yeast concentrate, wheat germ oil, etc.	8119.99
	Proprietary medicinal preparations:	
Lb	Asthma, catarrh, and hay-fever preparations including inhalants.	8155
	Malaria, chill and fever remedies:	
Lb	Others, in addition to those listed in those listed in previous numbered Export Control Schedules.	8157.99
	CHEMICAL SPECIALTIES	
Lb	Nicotine sulphate (40% basis)	8200
Lb	Lead arsenate	8202
Lb	Calcium arsenate	8203
Gal	Petroleum oil sprays, agricultural	8204
Lb	Seed disinfectants	8205.5
Lb	Other agricultural insecticides, fungicides, and similar preparations and materials, dry or liquid basis in addition to those listed in previous numbered Export Control Schedules (Include copper arsenate, calcium cyanide, bordeaux mixture, lime sulphur, weed killers, prepared animal dips, etc.).	2805.99
Lb	Household and industrial insecticides, exterminators, and repellents (in liquid, paste, powder, or solid form).	8206
Lb	Household and industrial disinfectants, deodorants, germicides, and similar preparations.	8209
Lb	Baking powder	8230
Lb	Dextrine or British gum	8233
Lb	Tobacco saucing or extract used for flavoring tobacco.	8234
Lb	Other tobacco extracts (Include extracts used in animal dips and insecticidal sprays).	8235

[1] 6 F.R. 3263.

Chemicals—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	CHEMICAL SPECIALTIES—con.	
Lb.	Textile specialty compounds	8238
Lb.	Tanning specialty compounds, in addition to those listed in previous numbered Export Control Schedules.	8239.99
Lb.	Water softeners, purifiers, boiler and feed-water compounds.	8240
Lb.	Metal-working compounds	8250
	Synthetic gums and resins:	
	In powder, flake or liquid form:	
Lb.	Ester gums	8251
Lb.	Phthalic, maleic, and succinic anhydride resins.	8253
	Tar-acid resins (Include phenolic cresole or cresylic, such as Bakelite, Beckacite, Beckosol, Catalin, Durez, Durite, Syntex, etc.):	
Lb.	Others, in addition to those listed in previous numbered Export Control Schedules.	8255.99
	Urea (Include Beetle molding powder, etc.):	
Lb.	Others, in addition to those listed in previous numbered Export Control Schedules.	8257.99
Lb.	Others, (Include acrylic, vinyl, and similar resins in addition to those listed in previous numbered Export Control Schedules).	8258.99
	Sheets, plates, rods, tubes, and other unfinished forms:	
Lb.	Laminated:	
Lb.	Other synthetic gums and resins in addition to those listed in previous numbered Export Control Schedules.	8260.99
	Not laminated:	
Lbs.	Other synthetic gums and resins in addition to those listed in previous numbered Export Control Schedules.	8261.99
Lbs.	Cellulose acetate sheets, rods, tubes, molding powder and other unfinished forms, plasticized.	8265
Lbs.	Cellulose acetate plastic film support.	8267
Lbs.	Cements for sealing cans	8273
Lbs.	Other cementing preparations for repairing, sealing, and adhesive use.	8274
Lbs.	Specialty cleaning and washing compounds.	8280
	Polishes:	
Lbs.	Metal and stove polishes	8290
Lbs.	Shoe polishes and shoe cleaners	8291
Lbs.	Leather dressings and stains	8292
Lbs.	Floor wax, wood and furniture polishes.	8293
Lbs.	Automobile polishes	8294
Gal.	Natural flavoring extracts	8295.5
Gal.	Synthetic flavoring extracts	8295.9
Lbs.	Pectin	8296
Lbs.	Animal charcoal or bone char, deodorizing, decolorizing, and gas absorbing carbons in addition to those listed in previous numbered Export Control Schedules.	8397.99
Lbs.	Rubber compounding agents (not of coal-tar origin) in addition to those listed in previous numbered Export Control Schedules.	8298
Gal.	Liquid gum inhibitors for treating petroleum distillates.	8299.3
	Licorice extract and mass	8299.5
	Reagent chemicals	8299.7
	Other chemical specialty compounds in addition to those listed in previous numbered Export Control Schedules.	8299.9
	INDUSTRIAL CHEMICALS	
	Acids and anhydrides:	
Lb.	Other organic acids and anhydrides in addition to those listed in previous numbered Export Control Schedules.	8303.99
	Inorganic:	
Lb.	Hydrochloric (muriatic)	8307

Chemicals—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	INDUSTRIAL CHEMICALS—con.	
	Acids and anhydrides—Con.	
	Inorganic—Con.	
Lb.	Other sulphuric in addition to those listed in previous numbered Export Control Schedules.	8309.7
Lb.	Other inorganic acids and anhydrides in addition to those listed in previous numbered Export Control Schedules.	8309.99
	Alcohols:	
Lb.	Ethylene glycol	8311
Lb.	Denatured alcohol (solidified)	8312
Lb.	Other alcohols (include glycols) in addition to those listed in previous numbered Export Control Schedules.	8315.99
Lb.	Carbon bisulphide	8319
Lb.	Amyl acetate	8322
Lb.	Synthetic collecting reagents for concentration of ores, metals, or minerals (Include Minerec, xanthates and derivatives (ethyl, butyl, amyl), dicresyldithiophosphoric and sodium dicresyldithiophosphate, sodium diethyldithiophosphate, and thio-carbanilide).	8325
Lb.	Cellulose acetate flake, waste, and scrap not plasticized.	8328
Lb.	Carbon tetrachloride	8329.1
Lb.	Ethyl ether	8329.7
Lb.	Methyl-ethyl ketone	8329.8
Lb.	Other organic chemicals (not of coal-tar origin) (Include ketones, aldehydes, esters and ether acetates, formates, in addition to those listed in previous numbered Export Control Schedules.	8329.99
Lb.	Aluminum Sulphate	8336
Lb.	Other aluminum compounds in addition to those listed in previous numbered Export Control Schedules.	8338.99
Lb.	Bleaching powder (Bleach, chloride of lime, chlorinated lime, calcium hypochlorite, including high test).	8340
Lb.	Calcium Carbide	8341
Lb.	Calcium Chloride	8343
	Bromine, bromides and bromates:	
Lb.	Others, than those listed in previous numbered Export Control Schedules.	8344.99
Lb.	Potassium compounds (not fertilizers) in addition to those listed in previous numbered Export Control Schedules.	8359.99
	Sodium Compounds:	
Lb.	Sodium borates, in addition to those listed in previous numbered Export Control Schedules.	8362.99
Lb.	Silicate (water glass)	8364
Lb.	Carbonate, calcined (soda ash)	8365
Lb.	Bicarbonate (baking soda)	8367
Lb.	Hydroxide (caustic soda) (convert solutions to dry weight for statistical purposes).	8373
Lb.	Sodium phosphate (mono-, di-, tri- meta-, or pyro-).	8377
Lb.	Hydrosulphite and compounds	8378
Lb.	Other sodium compounds in addition to those listed in previous numbered Export Control Schedules.	8379.99
Lb.	Tin compounds, in addition to those listed in previous numbered Export Control Schedules.	8381.99
	Ammonium Compounds:	
Lb.	Other ammonium compounds, in addition to those listed in previous numbered Export Control Schedules.	8385.99
Lb.	Other gases, liquified and solidified, in addition to those listed in previous numbered Export Control Schedules.	8395.99
Lb.	Antimony salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Bismuth salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99

Chemicals—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	INDUSTRIAL CHEMICALS—con.	
Lb.	Cadmium salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Caesium (cesium) salts and compounds.	8399.76
Lb.	Chromium salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Cobalt salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Copper salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Manganese salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Mercury salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Molybdenum salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Nickel salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Strontium salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Tantalum salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Titanium salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Thorium salts and compounds	8399.79
Lb.	Tungsten salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Vanadium salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Zinc salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	Zirconium salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
Lb.	All other salts and compounds in addition to those listed in previous numbered Export Control Schedules.	8399.99
	PIGMENTS, PAINTS AND VARNISHES	
	Mineral-earth pigments (dry):	
Lb.	Ocher, umber sienna, and other forms of iron oxide for paints (include ground red oxide of iron).	8401
Lb.	Other mineral-earth pigments. (Include whiting, and barytes).	8405
	Chemical pigments:	
Lb.	Lampblack	8419
Lb.	Other chemical pigments, in addition to those listed in previous numbered Export Control Schedules.	8429.99
Lb.	Bituminous paints, liquid and plastic.	8430
	Paste and semipaste paint colors in oil, putty and paste wood filler:	
Lb.	Others in addition to those listed in previous numbered Export Control Schedules.	8431.99
Lb.	Kalsomine or cold-water paints, dry.	8432
	Nitrocellulose (pyroxylin) lacquers:	
Gal.	Pigmented (include primers and surfacers, oil and lacquer base).	8433

Chemicals—Continued

Unit of quantity	Commodity description	Department of Commerce No.
	PIGMENTS, PAINTS AND VARNISHES—continued	
Gal.	Nitrocellulose (pyroxylin) lacquers—Continued.	8434
Gal.	Clear	8435
Gal.	Thinners for nitrocellulose lacquers.	8438.99
Gal.	Ready-mixed paints, stains, and enamels in addition to those listed in previous numbered Export Control Schedules.	8442
	Varnishes (oil or spirit, and liquid dryers).	
	FERTILIZERS AND FERTILIZER MATERIALS	
	Nitrogenous fertilizer materials:	
Lb.	Sodium nitrates in addition to those listed in previous numbered Export Control Schedules.	8509.19
Lb.	Others in addition to those listed in previous numbered Export Control Schedules.	8509.99
Lb.	Nitrogenous organic waste materials (include fish meal, hoof meal, guano, castor-bean pomace, manures, packing-house offal, intended for fertilizer).	8510
	Phosphatic fertilizer materials:	
Lb.	Acidulated phosphate	8519
Lb.	Other phosphate materials in addition to those listed in previous numbered Export Control Schedules (include bone-ash, dust, and meal, sintered matrix, and animal carbon for fertilizer, basic slag, South Carolina river rock, etc.)	8520
Lb.	Potassic fertilizer materials in addition to those listed in previous numbered Export Control Schedules.	8531.99
Lb.	Prepared fertilizer mixtures in addition to those listed in previous numbered Export Control Schedules.	8551.99
	EXPLOSIVES, FUSES, ETC.	
	Commercial explosives:	
Lb.	Other explosives in addition to those listed in previous numbered Export Control Schedules.	8609.99
	SOAP AND TOILET PREPARATIONS	
	Soap:	
Lb.	Medicated	8710
Lb.	Toilet or fancy	8712
Lb.	Laundry	8713
Lb.	Powdered or flaked (include Lux, Fab, Chipso, Ivory Flakes, Beads, etc.).	7816
Lb.	Shaving creams	8718
Lb.	Shaving cakes, powders, and sticks.	8719
Lb.	Scouring bricks, pastes, powders, soaps, and household washing powders. (Include Bon Ami, Dutch Cleanser, Gold Dust, Rinso, mechanics soaps, etc.).	8724
Lb.	Other soap	8729
Lb.	Dental creams	8734
Lb.	Other dentrifices	8735
	Toilet powders:	
	Talcum powder, in packages	8740
	Depilatories and deodorants	8762

By direction of the President:

RUSSELL L. MAXWELL,
Brigadier General, U. S. Army,
Administrator of Export Control.

AUGUST 15, 1941.

[F. R. Doc. 41-6043; Filed, August 15, 1941; 11:32 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1312—LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE NO. 19—SOUTHERN PINE LUMBER

Southern pine lumber is widely used in the construction industry for exterior and interior finish, framing, millwork, sheathings, floorings, and sub-floorings, and in the manufacture of motor vehicles, low grade furniture, and household and farm appliances. In the defense program it has been extensively employed in the construction of cantonments, defense housing projects, and factories. The increased use of southern pine lumber stemming from the defense program and the accompanying expanded economic activity has caused demand to exceed supply. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing industry levels. Such price increases have markedly outstripped cost advances. Warnings to industry members to reduce prices to reasonable levels have failed to secure more than temporary price reductions. Those producers who have manifested a willingness to cooperate with the Government have been unable effectively to keep prices down because of the large number of operators who have consistently maintained high prices. Under these circumstances, voluntary cooperation with the request of the Office of Price Administration and Civilian Supply to maintain reasonable prices would subject those complying with the request to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734,[1] it is hereby directed that:

§ 1312.26 *Maximum prices for southern pine lumber.* On and after September 5, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any southern pine lumber for shipment originating at the mill (rather than at a distribution yard), at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1312.34.*

*§§ 1312.26 to 1312.34, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1312.27 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1312.28 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by unusual charges for extending credit or for early delivery, by charges for delivery which exceed the actual cost of such delivery, by unnecessarily routing lumber through a distribution yard, or by other direct or indirect methods. The seller shall in all cases give the purchaser the option of making his own transportation arrangements.*

§ 1312.29 *Records and reports.* Every person who, during any calendar month, shall sell 34,000 pounds or more of southern pine lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration and Civilian Supply, for a period of not less than one year, a complete and accurate record of every such sale made during such month, showing the date thereof, the name of the buyer, the prices, and the quantities and grades sold. Persons affected by this Schedule shall submit such reports to this Office as it may from time to time require.*

§ 1312.30 *Enforcement.* In the event of refusal or failure to abide by the price limitations and other provisions contained in this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in this Schedule, the Office of Price Administration and Civilian Supply will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform to this Schedule, and (c) that the procurement services of the Government are requested to refrain from purchasing southern pine lumber from those persons who fail to conform to this Schedule. Persons who have evidence of the demand of prices above the limitations set forth, of any evasion of effort to evade the provisions hereof, or of speculation, or manipulation of prices of southern pine lumber, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration and Civilian Supply.*

§ 1312.31 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration and Civilian Supply for approval of any modification thereof or exception therefrom.*

§ 1312.32 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "Southern pine" means the botanical species of short leaf pine (Pinus

[1] 6 F.R. 1917.

echinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), longleaf pine (Pinus palustris), or any other Pinus species known commercially as "Southern pine".

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes southern pine logs into lumber, or which processes, by sawing, or by planing or other comparable method, at least 25 per cent of the southern pine lumber purchased or received by it within the 30 days immediately prior to the transaction subject to this Schedule.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives southern pine lumber from a mill or from another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of such lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of such lumber so purchased or received by it within the 30 days immediately prior to the transaction subject to this Schedule.*

§ 1312.33 *Effective date of the schedule.* This Schedule shall become effective September 5, 1941.*

§ 1312.34 *Appendix A.* (a) Maximum f.o.b. mill prices per 1,000 feet board measure:

BOARDS, SHIPLAP, AND FENCING

Grade	Random length	Standard length [1]	8' length	10' length	12' length	14' length	16' length	18' and 20' length
No. 1:								
1 x 3	$31.00	$33.00	$31.00	$33.00	$33.00	$33.00	$34.50	$36.00
1 x 4								
1 x 6	31.00	31.00	31.00	31.00	31.00	31.00	32.50	36.00
1 x 8	31.00	34.00	34.00	34.00	34.00	34.00	35.50	37.00
1 x 10	33.00	35.00	35.00	38.00	35.00	35.00	36.50	38.00
1 x 12	41.00	43.00	43.00	43.00	43.00	43.00	44.50	46.00
No. 2:								
1 x 3	24.00	23.00	24.50	24.50	25.00	25.00	25.50	27.00
1 x 4								
1 x 6	25.00	24.00	25.50	25.50	26.00	26.50	27.00	29.00
1 x 8	25.00	24.00	25.50	25.50	26.00	26.50	27.00	29.00
1 x 10	25.50	24.50	27.00	27.50	27.50	28.00	28.50	30.00
1 x 12	26.50	25.50	28.50	28.50	29.00	29.50	30.00	33.00
No. 3:								
1 x 3	16.00							
1 x 4								
1 x 6	19.00							
1 x 8	20.00							
1 x 10	20.00							
1 x 12	21.00							

For Kiln Dried, add $1.50.
For Novelty Siding, all patterns, add $2.00.
For Odd Lengths, use the price of next highest even length.

[1] Standard Lengths are 4' to 20', inclusive, and the following percentage of short lengths may be included in all shipments in which the lengths are not specifically restricted:

No. 1	5% 8-foot
No. 2	5% 4-foot 5% 6-foot 5% 8-foot

DIMENSION

Grade	Random length	8' length	9' length	10' length	12' length	14' length	16' length	18' and 20' length
No. 1:								
2 x 3	$28.50	$27.50	$28.50	$28.50	$28.50	$28.50	$31.00	$34.00
2 x 4								
2 x 6	28.00	26.50	27.50	27.50	28.00	28.00	28.50	32.50
2 x 8	29.50	28.00	29.00	29.00	29.50	29.50	32.00	35.50
2 x 10	33.50	31.00	32.50	32.50	33.50	33.50	35.50	39.50
2 x 12	36.50	33.50	35.00	35.00	36.50	36.50	39.00	43.50
No. 2:								
2 x 3	26.00	26.00	26.00	26.00	26.00	26.00	27.50	29.50
2 x 4								
2 x 6	25.00	25.00	25.00	25.00	25.00	25.00	26.50	28.50
2 x 8	27.00	27.00	27.00	27.00	27.00	27.00	28.50	31.50
2 x 10	28.50	28.50	28.50	28.50	28.50	28.50	30.50	33.50
2 x 12	29.50	29.50	29.50	29.50	29.50	29.50	31.50	35.00
No. 3:								
2 x 3	18.50							
2 x 4								
2 x 6	18.00							
2 x 8	19.00							
2 x 10	19.50							
2 x 12	20.00							

For working to shiplap, center match, or dressed and matched, add $1.00.
For kiln dried, add $1.50.

	Timbers 12' to 14' length		18' to 20' length	
	No. 1	No. 2	No. 1	No. 2
Small timbers:				
3 x 4	$30.50	$26.50	$34.50	$28.50
3 x 6	31.50	27.50	35.50	29.50
4 x 4	30.50	26.50	35.00	29.00
4 x 6	31.00	27.00	35.50	29.50
Utility timbers and heavy joists:				
3 x 8	35.00	28.00	39.00	31.00
3 x 10	35.50	28.50	40.00	32.00
3 x 12	37.00	30.00	41.00	33.00
4 x 8	36.00	29.00	40.50	32.50
4 x 10	36.50	29.50	41.00	33.00
6 x 6	37.00	30.00	41.00	33.00
6 x 8	37.00	30.00	41.00	33.00
6 x 10	38.50	31.50	42.50	34.50
8 x 8	38.50	31.50	42.50	34.50

CEILING AND FLOORING, PLAIN END (NO HEART SPECIFICATION) STANDARD LENGTHS[1]

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain:					
1 x 3	$60.00	$50.00	$35.00		
1 x 4	58.00	48.50	34.00		
Near edge grain:					
1 x 3	51.00	44.00	34.00		
1 x 4	49.00	42.50	33.00		
Flat grain:					
1 x 3	43.00	40.00	31.00	$25.00	$18.00
1 x 4	42.00	39.00	30.00	24.50	17.50

CEILING AND FLOORING, END MATCHED (NO HEART SPECIFICATION) STANDARD LENGTHS[2]

	Grade B and better	Grade C	Grade D
Edge grain:			
1 x 3	$52.50	$45.50	$32.00
1 x 4	48.50	43.00	30.00
Near edge grain:			
1 x 3	45.00	40.00	31.00
1 x 4	43.00	38.50	29.50
Flat grain:			
1 x 3	35.50	33.00	25.00
1 x 4	34.00	32.00	24.00

[1] Standard lengths are 4′ to 20′, inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B ..... 5% 8 and/or 9-foot
C ..... 5% 6 and/or 7-foot
5% 8 and/or 9-foot
D and No. 2 ..... 5% 4 and/or 5-foot
5% 6 and/or 7-foot
5% 8 and/or 9-foot
No. 3 ..... Not to exceed 20% 4 and 6-foot lengths

[2] Standard lengths of End-Matched Flooring shall be 2′ to 16′, inclusive, nested in bundles 8′ and longer in multiples of 1 foot. The nominal length of End-Matched Flooring shall be averaged to the nearest foot, except that 19″ shall be the minimum length in A, B, and C, and 12″ shall be the minimum in D. (Example: The 7-foot lengths are above 6′6″ to and including 7′6″.)

FINISH

Grade	Under 8′	Standard lengths[1]	Grade	Under 8′	Standard lengths[1]
B and better:			Grade C:		
1 x 3″ and 4″	$49.00	$51.00	1 x 3″ and 4″	$45.00	$47.00
1 x 6″	49.50	51.50	1 x 6″	45.50	47.50
1 x 8″	51.50	53.50	1 x 8″	47.50	49.50
1 x 5″ and 10″	57.00	59.00	1 x 5″ and 10″	51.00	53.00
1 x 12″	68.00	70.00	1 x 12″	56.00	58.00

For specified lengths, add $2.00.

SIDING—Standard Lengths[2]

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Drop siding:*					
Plain end, 4″	$45.00	$42.00	$33.00	$28.50	$20.00
Plain end, 6″	45.00	42.00	33.00	28.50	20.00
Plain end, 8″	46.50	43.50	34.50	30.00	23.00
End matched, 4″	37.50	35.00	27.00		
End matched, 6″	37.50	35.00	27.00		
End matched, 8″	40.00	37.00	29.00		
Bevel siding	47.00	44.00	35.00	30.50	22.00

* All patterns.

[1] Standard lengths are 8′ to 20′, inclusive, and in shipments of standard lengths, 5% of 8-foot in "C" and better grades shall be permitted.

[2] Standard lengths are 4′ to 20′, inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B ..... 5% 8 and/or 9-foot
C ..... 5% 6 and/or 7-foot
5% 8 and/or 9-foot
D and No. 2 ..... 5% 4 and/or 5-foot
5% 6 and/or 7-foot
5% 8 and/or 9-foot
No. 3, not to exceed 20% 4 and 6 foot.

(b) For mixed car shipments, $2.00 additional per 1,000 feet board measure may be charged. A mixed car shipment consists of three or more of the following items of at least 4,000 feet board measure per item, or two or more of the following items of at least 8,000 feet board measure per item: finish, timbers, ceiling, flooring, or siding, or any width of boards, shiplap, fencing, or dimension.

(c) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs. In addition, they may adopt the estimated average weights of southern pine per thousand feet board measure (worked to standard sizes unless otherwise indicated) as follows: [6]

FLOORING (CEILING AND FLOORING, PLAIN END AND END MATCHED)

	Long-leaf	Short-leaf
1 x 3″ (For Hollow Back deduct 100 lbs.)	2,000	1,800
1 x 4″ (For Hollow Back deduct 100 lbs.)	2,100	1,900
DROP SIDING (SIDING)		
1 x 6″ (Pat. 116)	2,000	2,000
1 x 8″ 10″ (Pat. 116)	2,100	2,100
1 x 6″ (Pat. 117)	1,700	1,700
1 x 8″ and 10″ (Pat. 117)	1,800	1,800
1 x 6″ (other patterns)	1,800	1,800
1 x 8″ and 10″ (other patterns)	1,900	1,900
Bevel and SE Siding from 1″	1,100	1,000
Bevel and SE Siding from 1¼″	1,400	1,300

STRIPS AND BOARDS (1 INCH) (BOARDS, SHIPLAP, FENCING, AND FINISH)

	Long-leaf	Short-leaf
1 x 2″ to 1 x 10″ S1S or S2S 2$\frac{5}{32}$″	2,700	2,500
1 x 12″ S1S or S2S 2$\frac{5}{32}$″	2,800	2,600
1 x 2″ to 1 x 10″ S3S or S4S 2$\frac{5}{32}$″	2,600	2,400
1 x 12″ S3S or S4S 2$\frac{5}{32}$″	2,700	2,500
1 x 2″ to 1 x 4″ D & M	2,100	1,900
1 x 6″ D & M or Shiplap	2,400	2,200
1 x 8″ to 1 x 10″ D & M or Shiplap	2,500	2,300
1 x 12″ D & M or Shiplap	2,600	2,400
1 x 2″ to 1 x 10″ Rough	3,400	3,200
1 x 12″ Rough	3,500	3,300
For ¾″ dressed boards deduct	100	100
For ⅝″ boards, all workings, deduct	500	500
For 1$\frac{1}{16}$″ boards, all workings, deduct	300	300
For 1$\frac{3}{16}$″ boards, all workings, add	100	100
For resawing, deduct for each cut	200	200
For Ripping, no deduction		
For 1¼″ and 1½″, add	300	300

2″ DIMENSION, FACTORY FLOORING, AND ROOF DECKING (DIMENSION)

2 x 2″ to 2 x 8″ Rough	3,400	3,300
2 x 10″ & 2 x 12″ Rough	3,500	3,400
2 x 2″ to 2 x 8″ Dressed to 1⅝″	2,700	2,500
2 x 10″ & 2 x 12″ Dressed to 1⅝″	2,800	2,600
For 1¾″, add	400	400
For D & M, SL & Gr. for Splines, deduct	200	200
2 x 4″ to 2 x 12″ Rough green	4,500	4,500
2 x 4″ to 2 x 12″ green, dressed 1⅜″	3,800	3,800

HEAVY JOISTS, TIMBERS, ETC. (OVER 2″ THICK) (TIMBERS)

Rough, green	4,500	4,500
S4S ¼″ scant, green	4,200	4,200
S4S ⅜″ scant, green	4,000	4,000
S4S ½″ scant, green	3,800	3,800
T & G, SL & Gr. for splines, deduct	300	300

Issued this 16th day of August, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6058; Filed, August 16, 1941; 10:35 a. m.]

[6] The average weights shown are based upon test weights made upon large quantities of each item of southern pine lumber manufactured by the subscribers to the Southern Pine Association, as set forth in 1939 Standard Specifications for Southern Pine Lumber, of the Southern Pine Association, New Orleans, Louisiana, and adopted by the Board of Governors of the Southern Pine Inspection Bureau of the Southern Pine Association on May 28, 1940, as the official grading rules of the Bureau.

PART 1337—CIVILIAN ALLOCATION PROGRAM FOR RAYON YARN[1]

Section 1337.1 is hereby amended by adding at the end thereof the following:

§ 1337.1 *Allocation of materials.* * * * *Provided, however,* That during the period from the date of this program to midnight August 31, 1941, one half of the above remaining 30 per cent, and only said one half, shall be made available immediately to manufacturers, jobbers and converters, other than manufacturers of hosiery, whose products have heretofore been made largely or wholly of silk, and the disposition of such amount among said manufacturers, jobbers, and converters shall be made by each producer of rayon yarn according to his own judgment. (E.O. 8734, 6 F.R. 1917)

Issued this 15th day of August, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6073; Filed, August 16, 1941; 11:40 a. m.]

PART 1339—BURLAP AND BURLAP PRODUCTS*

PRICE SCHEDULE NO. 18—BURLAP

Burlap, virtually all of which is imported from India, is widely used for packaging feed, fertilizer, and agricultural and industrial products. It is also extensively employed in the manufacture of floor covering, furniture, and other goods.

During the past twelve months prices of spot burlap in New York have risen more than one hundred percent. These increases, which have raised the price of burlap considerably above the highest prices in recent years, have added unjustifiable costs to American agriculture as well as to industry and the ultimate consumer.

Accordingly, under the authority vested in me by Executive Order No. 8734,[2] it is hereby directed that:

§ 1339.1 *Maximum prices for burlap.* On and after August 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1339.4 hereof, no person shall sell, offer to sell, deliver, or transfer burlap, and no person shall buy, offer to buy, or accept delivery of burlap at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1339.11.*

*§§ 1339.1 to 1339.11, inclusive, issued pursuant to authority contained in Executive Order No. 8734.

§ 1339.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1339.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of burlap, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1399.4 *Permission to carry out contracts entered into prior to August 16, 1941.* Any person who, prior to August 16, 1941, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date of burlap at prices higher than the established maximum prices, may make application to the Office of Price Administration and Civilian Supply, on Form 118:1 provided for that purpose, for permission to carry out such contract or commitment at the contract price. Such permission will be granted only to the extent necessary to protect the applicant against loss in the disposition of inventory acquired prior to August 16, 1941, at prices higher than the established maximum prices and held by the applicant on that date. Such application shall be filed with the Office of Price Administration and Civilian Supply on or before October 1, 1941.*

§ 1339.5 *Records.* Every person making purchases or sales of burlap after August 16, 1941, shall keep for inspection by the Office of Price Administration and Civilian Supply for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity of each kind or construction, and the type of transaction (i. e., spot or afloat).*

§ 1339.6 *Affirmations of compliance.* On or before September 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold, or delivered, or purchased, or accepted delivery of burlap, shall submit to the Office of Price Administration and Civilian Supply an affirmation of compliance on Form 118:2 containing a sworn statement that during the month all such sales, purchases, or deliveries were made at prices in conformity with this Schedule or with any exception or modification thereof. Copies of Form 118:2 can be procured from the Office of Price Administration and Civilian Supply, or, provided that no change is made in the style or content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1339.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in this Schedule, this Office will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of burlap for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration and Civilian Supply.*

§ 1339.8 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration and Civilian Supply for approval of any modification thereof or exception therefrom.*

§ 1339.9 *Definitions.* When used in this Schedule, the term (a) "person" includes an individual, partnership, association, corporation, or other business entity;

(b) "Burlap" means jute burlap of the constructions listed in Appendix A when either (1) in the United States available for immediate delivery or (2) aboard vessels en route to the United States.*

§ 1339.10 *Effective date of this schedule.* This Schedule shall become effective August 16, 1941.*

§ 1339.11 *Appendix A—Maximum prices for burlap.* There are two maximum prices for the enumerated constructions of burlap established by this Schedule, depending upon the date of *actual delivery* of the burlap to the purchaser. For burlap actually delivered on or before December 31, 1941, the maximum prices which may be paid are the prices set forth in Column I. For burlap delivered after that date, the maximum prices are the prices set forth in Column II.

Prices per yard, ex dock port of discharge, duty paid

Construction	I Maximum prices for deliveries made on or before December 31, 1941	II Maximum prices for deliveries made on and after January 1, 1942
40" 7½ oz.	8.40¢	8.00¢
40" 8 oz.	8.90¢	8.50¢
40" 10 oz.	11.10¢	10.60¢
40" 10½ oz.	11.50¢	11.00¢
36" 7½ oz.	7.85¢	7.40¢
36" 8 oz.	8.15¢	7.70¢
36" 10 oz.	10.15¢	9.70¢
40" 9 oz.	10.10¢	9.65¢
36" 9 oz.	9.15¢	8.75¢
40" 12 oz.	13.35¢	12.70¢
36" 12 oz.	12.15¢	11.55¢
45" 7½ oz.	9.55¢	9.10¢
45" 8 oz.	10.00¢	9.50¢
45" 10 oz.	12.50¢	11.95¢
32" 7½ oz.	6.95¢	6.60¢
32" 10 oz.	9.15¢	8.70¢
32" 8 oz.	7.25¢	6.90¢

The maximum prices set forth above are for burlap sold or delivered in quantities of 25 bales or more. For burlap sold in quantities of less than 25 bales the customary premiums may be charged, but in no case shall the prices f. o. b. shipping

[1] 6 F.R. 3922.
[2] 6 F.R. 1917.

point exceed the maximum prices set forth above plus ten percent.

The maximum prices established by this Schedule do not apply to burlap sold in quantities of less than one bale.*

Issued this 15th day of August, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6048; Filed, August 15, 1941; 3:37 p. m.]

PART 1340—FUEL

CIVILIAN ALLOCATION PROGRAM FOR MOTOR FUEL IN THE ATLANTIC COAST AREA

Shortages in the availability of transportation facilities for the distribution of petroleum and petroleum products have caused shortages in the supply of motor fuel in the Atlantic Coast area. Further shortages of motor fuel and shortages of petroleum products for essential transportation, power and heating purposes are threatened unless immediate steps are taken to curtail consumption of motor fuel. The Petroleum Coordinator for National Defense, pursuant to the responsibility vested in him by the President in a letter dated May 28, 1941, has recommended to the Office of Price Administration and Civilian Supply in a letter dated August 14, 1941, that curtailment of the use of motor fuel be effected.

The following program is intended as an interim measure pending the development of a further plan for allocating the distribution and consumption of motor fuel.

Accordingly, pursuant to the powers vested in me by Executive Order No. 8734,[1] particularly section 2 (a) thereof, the following program is announced:

§ 1340.1 *Allocation of motor fuel.* No supplier of motor fuel shall, directly or indirectly, deliver or cause to be delivered in any month to resellers and consumers of such motor fuel more than 90% of the amount delivered by him to resellers and consumers during the month of July 1941: *Provided,* That during the remainder of the month of August 1941 subsequent to the effective date of this program no such supplier shall so deliver or cause to be so delivered more than 45% of the amount of motor fuel delivered by him during the month of July 1941.*

*§§ 1340.1 to 1340.8, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1340.2 *Methods of distribution.* Subject to the provisions of § 1340.3, no supplier in making deliveries of motor fuel shall discriminate between resellers (including service stations owned or controlled, directly or indirectly, by him) or consumers supplied by him, and every supplier shall curtail deliveries to all resellers and consumers supplied by him on a proportionate basis. Subject to the provisions of § 1340.3, no person maintaining or operating any service station shall, in making deliveries of motor fuel, discriminate or permit others to discriminate between different consumers of motor fuel or different classes of trade, and every such person shall so make deliveries as to spread necessary curtailment of motor fuel proportionately among different consumers and different classes of trade. All supplies shall make deliveries in such manner as to distribute such deliveries proportionately throughout each month; and all persons maintaining or operating service stations shall make deliveries in such manner as to distribute such deliveries proportionately throughout each day.*

§ 1340.3 *Preferences for certain uses.* In making deliveries of motor fuel all suppliers and persons maintaining or operating service stations shall give preference to deliveries of motor fuel to be used, not in excess of the minimum necessary requirements, for the following purposes:

(a) The operation of commercial vehicles so classified by law.

(b) The operation of vehicles necessary for the public health or safety, including ambulances and vehicles operated by physicians.

(c) The operation of farm machinery and motor trucks used for farm purposes.

(d) The operation of vehicles owned or operated by Federal, State, or local governments.

In making deliveries of motor fuel, all suppliers and persons maintaining or operating service stations shall give preference to all other uses of such fuel over deliveries to be used in the operation of pleasure boats.*

§ 1340.4 *Reports.* Each supplier of motor fuel shall keep for inspection for a period of not less than one year complete and accurate records of all deliveries of motor fuel, showing the date thereof, the name and address of the consignee, the price received, the use for which such motor fuel was delivered, and the quantity of each type of motor fuel delivered.*

§ 1340.5 *Application to Atlantic coast area.* This program shall be applicable to deliveries of motor fuel in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida east of Apalachicola River, and in the District of Columbia.*

§ 1340.6 *Definitions.* The term "person", as used in this program, includes any individual, partnership, association, corporation, or other form of enterprise.

The term "supplier", as used in this program, means any person, including a reseller, selling or delivering motor fuel to any reseller or consumer of such motor fuel; but the term shall not include any person all of whose deliveries are made at service stations and shall not include that part, if any, of a supplier's business included in the definition of a "service station".

The term "reseller", as used in this program, means any person who receives motor fuel for resale.

The term "service station", as used in this program, means any place of business where motor fuel is sold and delivered into the fuel tanks of motor vehicles or motor boats.

The term "motor fuel", as used in this program, means liquid fuel used for the propulsion of motor vehicles or motor boats, and shall include any liquid fuel as to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

The terms "deliver" and "deliveries", as used in this program, except as used in 1340.4, shall not include deliveries of motor fuel loaned, exchanged, purchased, or sold between suppliers or persons maintaining or operating service stations made for the purpose and with the effect of enabling such suppliers or persons maintaining or operating service stations to equalize as between themselves the percentage of curtailment required of different classes of trade.*

§ 1340.7 *Enforcement.* This program shall be administered and enforced by the Office of Production Management.*

§ 1340.8 *Effective date.* This program shall become effective August 15, 1941.*

Issued this 15th day of August, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6059; Filed, August 16, 1941; 10:35 a. m.]

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[1] 6 F.R. 1917.

TITLE 37—PATENTS AND COPYRIGHTS

CHAPTER II—COPYRIGHT OFFICE

PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

Paragraph (b) (1) of § 201.4, Code of Federal Regulations of Copyright Office, is extended by adding thereto the following clarifying amendment:

§ 201.4 *Subject matter of copyright.*

* * * * *

(b) * * * (1) *Books.* * * * For the purpose of clarifying the above paragraph as well as paragraph (b) (7) of this section:

Expressions of mechanical principles taking the form of the slide rule, revolving disk and like devices or other instruments or "tools of any kind" (Code of Federal Regulations of Copyright Office, § 201.4 (b) (7) sometimes submitted for copyright registration as "books" are not registrable as such. This is also true with respect to words, figures, symbols, etc., essential to the operation of such devices and instructions concerning their use if physically incorporated in such devices: *Provided,* That such instructions if not so incorporated and other material of itself copyrightable appearing on such instrument or tool

but not essential to the operation thereof, will be registered in the Copyright Office if published with a copyright notice which does not purport to copyright the instrument or tool as such. (See section 29 of the Copyright Act.)

* * * * *

C. L. BOUVÉ,
Register of Copyrights.

Approved:

ARCHIBALD MACLEISH,
The Librarian of Congress.
August 13, 1941.

[F. R. Doc. 41-6057; Filed, August 16, 1941; 10:19 a. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER I—OFFICE OF EDUCATION, FEDERAL SECURITY AGENCY

PART 2—EDUCATION AND TRAINING OF DEFENSE WORKERS [1]

INTRODUCTORY

DEFINITION OF TERMS

COURSES CONDUCTED BY STATE AGENCIES UNDER SUBDIVISIONS (1), (2) AND (4) OF THE ACT

COURSES CONDUCTED BY COLLEGES UNDER SUBDIVISION (3) OF THE ACT

VOCATIONAL COURSES AND RELATED OR OTHER NECESSARY INSTRUCTION UNDER SUBDIVISION (5) OF THE ACT

GENERAL PROVISIONS

[1] Codification numbers have been supplied; numbers on the document as signed by the President appear in brackets at the end of each section.

REGULATIONS GOVERNING THE EDUCATION AND TRAINING OF DEFENSE WORKERS PURSUANT TO THE PROVISIONS OF TITLE II, SUBHEADING "EDUCATION AND TRAINING, DEFENSE WORKERS (NATIONAL DEFENSE)" OF THE "LABOR-FEDERAL SECURITY APPROPRIATION ACT, 1942", PUBLIC NO. 146, 77TH CONGRESS, 1ST SESSION, APPROVED JULY 1, 1941 [1]

Introductory

§ 2.1 *Scope of regulations.* Pursuant to the authority conferred by Title II, subheading "Education and Training, Defense Workers (National Defense)" of the "Labor-Federal Security Appropriation Act, 1942", Public No. 146, 77th Congress, 1st Session, approved July 1, 1941, the following Regulations are prescribed for the administration of the provisions of the said Act.

Section 2.2 defines terms that are used in the regulations in this part.

Sections 2.3–2.11 deal with courses conducted by State agencies under subdivisions (1), (2), and (4) of the Act.

Sections 2.12–2.17 deal with courses conducted by colleges under subdivision (3) of the Act.

Sections 2.18–2.26 deal with "vocational courses and related or other necessary instruction" under subdivision (5) of the Act.

Sections 2.27–2.29 contain provisions of general applicability.* [101]

*§§ 2.1 to 2.29, inclusive, issued under the authority contained in Title II, Public No. 146, 77th Cong., 1st Session, approved July 1, 1941.

Definition of Terms

§ 2.2 *Terms.* Unless otherwise clearly indicated, the following terms shall have the meaning hereinafter defined:

(a) "Act" means Title II, subheading "Education and Training, Defense Workers (National Defense)" of the "Labor-Federal Security Appropriation Act, 1942", Public No. 146, 77th Congress, 1st Session, approved July 1, 1941.

(b) "Subdivision" refers to the indicated subdivision of the Act.

(c) "Section" refers to the indicated section of these Regulations.

(d) "Commissioner" means the United States Commissioner of Education.

(e) "Director" means the officer in the United States Office of Education acting under the Commissioner's supervision to whom he delegates powers, duties, and functions and who is accordingly charged by the Commissioner with the chief responsibility for carrying out the particular defense training program involved. All delegation of powers, duties, and functions under the Act is and shall remain subject to the right of the Commissioner to resume at his discretion any of the powers, duties, and functions delegated.

(f) "Director of Defense Training" means the officer appointed by the Federal Security Administrator to direct and supervise the various defense training activities of the constituent units of the Federal Security Agency.

(g) "State" includes the several States, District of Columbia, Hawaii, Alaska, Puerto Rico, and any other qualified public authority.

(h) "State agency" means an agency of a State, subdivision thereof or other public agency operating public educational facilities.

(i) "Local agency" means a subdivision of a State, or other public agency participating in a State plan under the control and supervision of a State agency.

(j) "Public employment office" means a State public employment office.

(k) "College" means a degree-granting college or a university whose educational property is exempt from taxation by virtue of the provisions of the special or general law under which it is organized and operates or a public degree-granting educational institution. Degree-granting as used herein shall mean that the institution, in recognition of satisfactory completion of a curriculum of four years or longer beyond high school graduation, granted during the academic year 1940–41 degrees with a major in one or more of the following fields: engineering, chemistry, physics, or production supervision.

(l) "Courses of college grade" refers to the character and content of the course and not to an institution and indicates an academic standard customarily required of college and university students in the same field.

(m) "Courses of less than college grade" refers to the character and content of the course and not to an institution and indicates a course below the academic standard customarily required of college and university students in the field with which the course deals.

(n) "Cost of courses" means all expenditures necessary for organization, administration, supervision, instruction, and maintenance and operation of plant in conducting the courses pursuant to an approved plan. It may include expenses for such items as personal services; supplies and material; heat, light and power; travel; transportation of trainees; physical examination of instructors and trainees; insurance, including workmen's compensation; contributions to teachers' retirement plans; communications, including postage; maintenance and repair of equipment; replacement of parts; necessary printing and duplicating; books and other instructional material where such material is necessary as part of the instruction; necessary additional space and equipment; and national and regional coordination. Cost of courses does not include items of expense the

[1] In the Office of Education established by Act Mar. 2, 1867, 14 Stat. 1034; July 20, 1868, 15 Stat. 92; Feb. 23, 1917, 39 Stat. 929; Oct. 6, 1917, 40 Stat. 345; Mar. 3, 1933, 47 Stat. 1517; June 7, 1939, 53 Stat. 813.

incurrence of which is not necessitated by activities under defense training plans. For example, it does not include items of expense which an agency, school, or college incurs in the normal operation of its plant or would have incurred regardless of whether it had conducted courses under the Act.

(o) "Occupations essential to national defense" means occupations approved by the Office of Production Management as essential to national defense. Occupation refers to a pay-roll job rather than to an industry.

(p) The word "regular" used in connection with National Youth Administration work projects refers to projects not included in the Youth Work Defense Program of the National Youth Administration.* [201]

Courses Conducted by State Agencies Under Subdivisions (1), (2) and (4) of the Act

§ 2.3 *Provisions of the act.* Subdivision (1) provides $52,400,000 for the cost other than for equipment of vocational courses of less than college grade provided by State agencies and also by vocational schools exempt from Federal income tax by reason of their educational character. Three and a half million dollars of this amount is available for rental of necessary additional space. Courses include those supplementary to employment in occupations declared by the Office of Production Management to be essential to the national defense; pre-employment courses; and refresher courses for workers preparing for such occupations. Courses supplementary to employment are those designed to train workers who are currently engaged in such occupations essential to the national defense or closely related occupations. Pre-employment courses are those designed to prepare for such occupations. Refresher courses are those designed to develop and revive skills on the part of workers who may have had some training or skill in an occupation essential to national defense. Unemployment is not a condition of eligibility for entrance into courses. Pre-employment and refresher trainees must be registered with a public employment office.

Subdivision (2) provides $12,000,000 for payment to State agencies for the acquisition by them of equipment to be used under plans approved by the Director in giving courses provided under subdivision (1). In addition, subdivision (2) also provides that not exceeding $8,000,000 of any unobligated balance appropriated under subdivision (1) in the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1034) under the heading "Office of Education", shall be transferred and made available for the acquisition of equipment to establish pre-employment courses.

Subdivision (4) provides $15,000,000 for the cost of vocational courses of less than college grade and related instruction provided by State agencies for out-of-school rural youth who have attained the age of seventeen and who have filed a registration card with the public employment office. The appropriation is also available for non-rural youth whose training is not feasible under subdivisions (1) and (3) of the Act. Not to exceed 30 per centum of the appropriation is available for necessary additional space and equipment. The training given pursuant to the provisions of subdivision (4) may include subjects related to national defense occupations with a view to developing general manipulative skills such as wood working and auto shop work. In approving the use of funds for courses in the out-of-school youth program there will be taken into consideration the number of rural youth in the State compared to the total number of such youth in the nation.* [301]

§ 2.4 *Purpose of requirements for State plans.* The basic condition to the approval of courses, acquisition of equipment and payment of the budgeted costs thereof from the foregoing appropriations is the submission of agency proposals in conformity with underlying plans of the State agency, as approved by the Director. The purpose of this requirement in the Act is to insure continued and mutual understanding at the State and Federal levels that the courses and training thereby provided as well as all other activities of the State in connection with the defense training program are maintained in close harmony and effective coordination with the development of the defense program as a whole.

The content of State plans and the reporting procedures thereunder should be sufficiently comprehensive in detail to permit of an accurate evaluation of the State's contribution in terms of current procedures and placements. State plans should be formulated in such a way as to show the most effective use that can be made of the available training facilities within each State as well as of those that can be made available with reasonable expenditure of time and money.

For this purpose State Boards for Vocational Education upon consultation with the Council of State Administrators and State Advisory Committees hereinafter referred to are to submit new plans or to confirm, amend or extend existing plans as may be necessary to bring them into conformity with the Act and these regulations.* [302]

§ 2.5 *Survey of facilities.* Each State plan should contain, as may be required by the Director, evaluative statements or survey of the principal facilities and resources of the State both in use and available for use for vocational training within the contemplation of the foregoing provisions and should from time to time and as may be required by the Director indicate the feasibility and probable costs of providing additional space and equipment so as to expand facilities of the State for vocational training purposes in accordance with the ascertained needs of the national program of defense. The Director may also require any other information deemed necessary to make the most effective allocation of funds to the various States.

In the case of any State whose law provides for separate schools to serve separate population groups, the plan should provide that all proposals, whether for the conduct of courses or for the acquisition of additional space or equipment, will state such facts and circumstances as will serve to indicate that approval thereof is consistent with the requirement of the Act that to the extent needed for trainees of each such group equitable provisions shall be made for facilities and training of like quality.* [303]

§ 2.6 *Bases of administration, coordination and supervision.* State plans should develop the following bases of administration, coordination and supervision:

(a) *State Board for Vocational Education.* The basic jurisdiction of the State Board for Vocational Education as the authority responsible for phases of the training program within the State and the use of the State's training facilities is recognized. Each State plan shall indicate the designation or appointment of a State Director of Vocational Training for Defense Workers who shall be a full-time employee of the State Board for Vocational Education qualified in the field of vocational education. The State plan shall provide that his appointment shall be subject to the approval of the Director and that he shall carry out the policies of the State Board and assume responsibility for the preparation and submission of State plans, reports, budgets and accounting in compliance with all State and Federal requirements.

(b) *Council of State Administrators.* In recognition of the basic functions of employment services in ascertaining the demand and supply of essential labor, as well as the National Youth Administration in provision of trainees, the executives of these respective agencies having State-wide jurisdiction together with the State Director of Vocational Training for Defense Workers or representative designated by the State Board for Vocational Education and approved by the Director, shall be constituted under State plans as a Council of State Administrators and, within the authority delegated to them by the respective Federal and State agencies which they represent, they shall decide questions involving two or more participating agencies in the operating of the defense training programs within the State. It shall be the responsibility of the Council of State Administrators to see that local councils are established in all local subdivisions or territorial units of training within the State and, further, to assure proper coordination of the training program with labor and industry through the maintenance and continued functioning of State and local advisory com-

mittees representing equally both labor and industry and including on the State level representation of agricultural and other interests essential to the successful operation of the program in any particular State or locality.

The membership of existing advisory committees both State and local operating pursuant to the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1034) shall remain intact in so far as such membership is consistent with the policies herein expressed.

Each State may provide suitable procedures for participation of the agency in the enrollment and dispatch of workers to other training centers within or without the State whenever this course offers the most expeditious and economical method of coordinating supply and demand of training facilities. Such transfers should be made only after consultation with the Councils of State Administrators involved and clearance should be effected through regional representatives of the constituent units.

(c) *Employment service.* The Bureau of Employment Security and State employment offices have the general responsibility for utilizing their facilities in the effort to ascertain the supply and demand of all types of labor and skills needed in the defense program, and for this purpose to report the data affecting demand and supply of labor and labor market developments on the basis of their contacts and experience, and to report deficiencies in available labor and labor skills with specific data as to number, dates needed and job specifications that must be met in all areas of the United States. State and local Councils of State Administrators assume the responsibility for seeing that such data, including the specific needs within the areas which they service, are utilized and reflected in proposals for courses except as otherwise ordered by the Office of the Director of Defense Training of the Federal Security Agency.

In order to facilitate and further implement the functioning of the employment service in this respect all refresher and pre-employment enrollments, transfers of enrollees and specifications of the training of enrollees shall be reported to the local employment manager according to a regular schedule for such reporting. In like manner the vocational schools shall report regularly to the employment service all material facts known to them in relation to the placement of trainees other than through the employment service itself.

(d) The following rules shall apply to the situation in which local facilities for training are found insufficient to meet the demands placed upon them, or when after due canvass the supply of trainees appears inadequate to meet the call upon the community or area for a particular order of skills. In either event the Council of State Administrators will take appropriate steps to meet the deficiency either by submitting proposals for the acquisition of additional space and equipment for training purposes or to the extent feasible by cooperative utilization of facilities possessed by other communities available to meet the deficiency. In either case the facts and proposals should be fully reported to the United States Office of Education before action is taken.

When over-all shortages develop because of pending defense contracts in the particular occupations, defense training may be authorized in any community in excess of locally reported need. In order to meet needs determined on a national basis such training should be given only pursuant to express arrangement and authorization by the Office of Production Management through regular administrative channels. The purpose of such procedure should be to create a reservoir of workers with initial skills in selected occupations. Courses will be so designed as to give specific training for specific jobs in defense industries. However, general training in such occupations as wood working and automotive repair may be undertaken in the out-of-school rural or non-rural youth program.

(e) Within these general requirements the plan shall provide for the submission of courses in accordance with such detailed forms and procedures as may be provided by the Director, including accompanying budgets or estimates of costs subject to such revisions as he may require for approval thereof. The plan shall provide that all courses shall be conducted under the detailed supervision and direction of the State Director of Vocational Training for Defense Workers and with due observance of the standards established by him for such instruction. The plan shall include a statement of the qualifications of instructors and detailed methods and procedures employed in the selection and enrollment of trainees. The Director may make such investigations, examination, and inspection thereof and of the conditions under which courses are conducted as may be expedient or necessary and may require the maintenance of such standards in respect to the content of the several courses, the qualifications of the instructors thereof, the selection of trainees, the time within which such courses must be given or completed, and the adoption of such procedures as may serve to assure effective use of Federal funds.* [304]

§ 2.7 *Provision for additional space and equipment.* All proposals for the rental of additional space and acquisition of equipment shall be made on the forms and in accordance with detailed specifications to be provided by the Director. The Director may prescribe by rule or otherwise those items of expenditure which constitute cost of equipment. Title to equipment which is purchased from funds made available pursuant to the Act shall be in the State for use as required by the Director in defense training as long as the need exists. Where such equipment is placed in buildings not owned by the State, suitable measures should be taken to safeguard the continued availability of the equipment for the aforementioned purposes.* [305]

§ 2.8 *Disposition of products manufactured in courses.* Articles made in defense training courses from supplies furnished by Federal funds may be disposed of in such a manner as will best carry out the purpose of the Act. Such articles may be used in the conduct of the training program if suitable or they may be dismantled to furnish raw materials for further training or otherwise disposed of with the approval of and in a manner provided by the State Board for Vocational Education.* [306]

§ 2.9 *Reports and audits.* Each State plan shall provide that the State agency will make such reports in such form and containing such information as the Director may from time to time require and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

For this purpose plans shall provide for the maintenance at the State level of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the respective Federal authorizations.

Estimates of cost of courses and of additional space and equipment as well as final statements thereof subject to audit and verification as aforesaid shall be submitted in such form and at such times as the Director may indicate. Such fiscal reports and detailed statistical statements of the enrollments, training, transfers, placements and other details of the State's activities shall be furnished monthly or at such other times and subject to such supplementation as the Director may require and shall be sufficient to enable the Commissioner to transmit to Congress quarterly reports of the defense training program and training programs for youth as required by the terms of the Act.* [307]

§ 2.10 *Courses by vocational schools exempt from Federal income tax.* Courses given under subdivision (1) of the Act in vocational schools exempt from taxation under section 101 (6) of the Internal Revenue Code shall be included in the State plan and conducted thereunder unless the Director shall determine that circumstances warrant submission of an institutional plan. Public agencies proposing such courses shall include in their plans a statement of the circumstances by reason of which the vocational school or schools whose facilities may be utilized are exempt from taxation under section 101 (6) of the Internal Revenue Code as well as any

other essential facts to establish their qualifications and authority to participate in the program under the supervision of the State agency.* [308]

§ 2.11 *Certification for payment.* After approval of the State plan certification for payment to the officer authorized under State law to act as custodian of funds provided under this Act will be made at such time or times as the certifying officer may specify. Funds paid to a State under the Act shall be held and disbursed according to the fiscal policies and procedures of the State: *Provided, however,* That the Director may make rules with respect to the custody and disposition of such funds as may be deemed reasonably necessary to safeguard their availability and use in the defense training program.* [309]

Courses Conducted by Colleges Under Subdivision (3) of the Act

§ 2.12 *Provisions of the act.* Subdivision (3) of the Act provides $17,500,000 for the cost of short courses of college grade provided by colleges and designed to meet the shortage of engineers, chemists, physicists and production supervisors in fields essential to national defense pursuant to plans which may provide for regional coordination of the defense training program of the participating colleges and provides that not to exceed 20 per centum of the amount allotted to any school shall be allotted to it for expenditure for purchase and rental of additional equipment and leasing of additional space.* [401]

§ 2.13 *National Advisory Committee.* To assure guidance in the formulation of policies and procedures in the administration of the defense training program, the Commissioner is authorized to designate a National Advisory Committee, not to exceed 15 in number, with whom he may consult at such times as he deems advisable. Each of the several professions for which training is provided in the Act shall be represented on the committee. Proper expenditures by such committee members shall constitute a permissible item in the cost of courses by the respective colleges to which the committee members are attached.* [402]

§ 2.14 *Regional coordination.* For the better achievement of the purposes of the Act, there may be defined and established regional areas adapted to the purposes of coordinating defense training activities and there may be designated for each such region an adviser who is associated with one of the colleges within such region and whose functions shall be to assist in coordinating defense training in the colleges within the region, and with the defense needs of government and industry, to the extent and in the manner prescribed by the Director. The functions of the regional adviser may include among others the following: assembly of facts and data bearing upon the need for professional personnel of the above description; necessary contacts with governmental and industrial agencies or institutions within the region; liaison between the different colleges within the region; and consultation with representatives of the United States Office of Education in negotiations relating to or arising out of proposals for specific courses in colleges within the regional area. Proper expenditures by such advisers shall constitute a permissible item in the cost of courses conducted by the respective colleges to which they are attached.* [403]

§ 2.15 *Determination of needs.* It shall be the duty of the Director to assemble from time to time from the reports of the regional advisers, the findings of the National Advisory Committee and from all other sources available to him the relative needs for professional training authorized by the Act. Approval of courses shall be determined on the basis of these findings.* [404]

§ 2.16 *College plans.* Each participating college shall as a condition to its participation submit for approval a plan pursuant to which courses are to be conducted. Such plans shall be subject to revision from time to time, and shall be formulated with the view to the most effective utilization of college facilities carrying out the defense training program. Such college plans as thus revised and approved from time to time shall include the following:

(a) Each plan shall indicate that the college is exempt from taxation with respect to its educational property and has authority to receive and administer Federal funds. The Director may require presentation of such additional facts and verification as he may from time to time deem necessary to substantiate the qualifications of the institution for carrying out its approved plan.

(b) The plan shall be executed in the name of the college by its duly authorized officer. It shall designate an institutional representative who shall coordinate all activities at the college under its approved plan, and shall serve as the liaison officer between the college and Federal officials and between the college and other participating colleges. Among other things he shall be authorized to conduct negotiations with the Director, to assume responsibility for making reports, and to assure representation of his college on the regional committee. The plan shall also contain provisions which will enable the college to comply with any arrangements for regional coordination arising under section 403. It shall indicate the college official authorized to receive and receipt for Federal funds.

(c) Such plan shall indicate to the extent required by the Director the facilities available to the college for training within the Federal authorization, including both staff and physical equipment. The plan may provide for the utilization by the college of facilities of other public or private agencies and institutions. In no event, however, may any course be given for which the college does not assume full responsibility for the scope, content, and standards of the instruction, and the actual direction and control of activities under the plan in all important substantive and procedural aspects. The plan shall provide that all courses shall be of college grade.

(d) Within these general requirements the plan shall provide for the submission of proposals for courses in accordance with such forms and procedures as may be provided from time to time by the Director. Approval of any proposal shall be subject to the further action of the Director who may require the course to be discontinued subject to such reimbursement for expenditures made or incurred by the college as he may determine to be equitable or provide for the continuance thereof subject to such conditions as he may deem essential to effectuate the purposes of the national program. The Director may likewise make such investigations, examination, and inspection thereof and of the conditions under which courses are given as may be expedient or necessary and may require the maintenance of such standards and the adoption of such procedures as may serve to assure effective use of Federal funds.

(e) The plan shall further provide that any equipment purchased from Federal funds provided by the Act shall be at all times held available for use in defense training courses and, to the extent not needed for the program in the college, shall be subject to disposition by the Director for use elsewhere in the program. For these purposes title to equipment shall be held by the college or its nominee. The total amount expended by the college chargeable to Federal funds for purchase and rental of additional equipment and leasing of additional space for use under its approved plan shall not be in excess of 20 per centum of the total expenditures of such college under the approved plan.

(f) *Reports and audits.* Each plan shall provide that the college will make such reports in such form and containing such information as the Director may from time to time require and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

For this purpose the plan shall provide for the maintenance by the college of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grant, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the Federal authorization.

To provide reimbursement for costs that cannot reasonably be accounted for separately, the college may, subject to prior approval by the Director, charge to the cost of courses a percentage of definitely ascertainable costs. Any such per-

centage and the basis for application must be justified by such evidence as the Director may require.

Estimates of the cost of courses and of additional space and equipment as well as final statements thereof, subject to audit and verification as aforesaid, shall be submitted in such form and at such times as the Director may require. Such fiscal reports and detailed statistical statements of the enrollments, training, transfers, placements and other details of the college's activities under the plan shall be furnished monthly or at such other times and subject to such supplementation as the Director may require and shall be sufficient to enable the Commissioner to transmit to Congress quarterly reports of the defense training program as required by the provisions of the Act.* [405]

§ 2.17 *Certification for payment.* Upon approval of the plan, certification for payment to the college official authorized to receive and receipt for Federal funds, will be made at such time or times as the certifying officer may specify. Funds thus certified and paid shall be held by such official and expended in accordance with the regulations of the college which are applicable to other college funds: *Provided, however,* The Director may make rules with respect to the custody and disposition of such funds as may be deemed reasonably necessary to safeguard their availability and use in the defense training program.* [406]

Vocational Courses and Related or Other Necessary Instruction Under Subdivision (5) of the Act

§ 2.18 *Provisions of the act.* Subdivision (5) provides $10,000,000 for the cost of vocational courses and related or other necessary instruction provided by State agencies for young people employed on regular work projects of the National Youth Administration. The appropriation is available for the purchase and rental of equipment and rental of space necessary for carrying out plans submitted by the State agency in conducting the courses. Not to exceed $125,000 of this amount may be used for administration expenses of the Office of Education.

The phrase "related or other necessary instruction" used only in relation to authorized training under this subdivision indicates that the scope of training and instruction in this instance includes, but is not restricted to, training for the performance of specific jobs or occupations. Pursuant to the provisions of Paragraph 23, below quoted, relative to the National Youth Administration program as contained in Public No. 146 and in view of the broad objectives of that program, the Director is authorized to invoke in the administration of this subdivision of the Act applicable policies governing other part-time vocational schools or classes maintained with the aid of Federal funds. Paragraph 23 reads as follows:

"All training or educational programs for youth employed by the National Youth Administration on work projects shall be under the control and supervision of the State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education."* [501]

§ 2.19 *Purpose of requirement of State plans.* The basic condition to the approval of courses, rental of space, acquisition of equipment, and payment of the budgeted costs thereof from the foregoing appropriation is the submission of agency proposals in conformity with underlying plans of the State agency as approved by the Director. The State plans shall conform to an outline provided by the Director and shall provide reporting procedures sufficiently comprehensive in detail to permit of an accurate evaluation of the State's contribution. Such plans shall be formulated in such a way as to show the most effective use of the State's vocational education and training facilities for young people employed on National Youth Administration regular work projects.

For this purpose State boards for vocational education are to submit new plans or to confirm, amend, or extend existing plans as may be necessary to bring them into conformity with the Act and these Regulations.* [502]

§ 2.20 *Survey of facilities.* Each State plan should contain, as may be required by the Director, evaluative statements of the principal facilities and resources of the State in use and available for use for vocational courses and related or other necessary instruction suitable for the education and training of youth employed on National Youth Administration regular work projects.* [503]

§ 2.21 *Provisions in State plans for administration, coordination and supervision.* State plans should make provision for administration, coordination, and supervision as follows:

(a) *State Board for Vocational Education.* The basic jurisdiction of the State Board for Vocational Education as the authority responsible for all phases of the training program within the State and for the use of the State's training facilities is recognized. Each State plan should provide for the designation of the State Director of Vocational Education as the person charged with the responsibility for the administration of this program.

(b) *Supervision of courses.* The National Youth Administration regular work projects have been planned and are currently operated to meet a wide variety of determined needs. Since the projects under which National Youth Administration workers will be engaged embrace the fields of industry, commerce, agriculture and home-making as provided in paragraph 1, subdivision (b) of the National Youth Administration Appropriation Act, 1942, Public No. 146, 77th Congress, 1st Session, State plans should include provisions for adequate supervision of these courses by persons qualified in these respective fields.

(c) *Coordination with National Youth Administration.* State plans should therefore include provision for cooperative planning by school and National Youth Administration officials, of school-and-work time schedules, of attendance, of available buildings and equipment, and of other phases of the joint program which may need to be coordinated.

(d) Within these general requirements the plan shall provide for the submission to the Director of courses in accordance with such detailed forms and procedures as may be provided from time to time by the Director, including accompanying budgets or estimates of costs. As a condition of his approval of such courses and budgets the Director may require revisions thereof deemed essential to achieve the foregoing purposes and to effect distribution of Federal funds according to the principle hereinafter stated.

The Director may make or cause to be made such investigations, examinations, and inspections of courses, and of the conditions under which they are given as may be expedient or necessary, and may formulate standards with respect to the conduct of the several courses, the qualifications of the instructors thereof, the selection of trainees, and in other respects in keeping with other provisions of these Regulations.* [504]

§ 2.22 *Minimum time to be given to school work.* The minimum hours of instruction to be given to youth on National Youth Administration regular work projects will vary with local conditions governing the particular project. To the extent feasible and subject to the provisions of section 504 (c), the hours of instruction per week should approximately equal the hours at work.* [505]

§ 2.23 *Basis for allocation of funds to States.* Allocation of funds to the States under subdivision (5) of the Act shall be made on an objective basis designed to secure an equitable distribution among the States in terms of the number of youth to be employed on National Youth Administration regular work projects as determined by the National Youth Administration. Consideration may be given to justifiable factors which would affect the cost of instruction per trainee.

Where it is determined by the Director that a State is not using or is not prepared to use its full allocation, a reallocation of such funds may be made.* [506]

§ 2.24 *Certification for payment.* As soon as the Director has approved a

State plan, one-half of the State's allotment will be certified to the Secretary of the Treasury for payment to the State. The remaining half will be certified for payment in one or more payments, based upon the receipt of satisfactory reports from the States and preliminary audits made by agents of the United States Office of Education, provided that the amount of the second and subsequent payment may be adjusted in accordance with current changes particularly in the number of youth to be employed on National Youth Administration regular work projects as determined by the National Youth Administration. The amount of the second and subsequent payments may also be adjusted in accordance with the State's ability to use the funds in accordance with its approved plan.* [507]

§ 2.25 *Provision for additional space and equipment.* Except when specifically approved by the Director, all expenditures for the purchase of equipment will be for the purpose of completing the instructional equipment of a school shop already partially equipped. The additional equipment purchased from these funds must be that necessary to accommodate the number of project workers for whom it is found desirable to provide instruction. Title to equipment, for courses conducted under the Act, which is purchased from funds made available pursuant to the Act shall be held in the manner provided by the State plan and as required by the Director for use in providing vocational courses and related or other necessary instruction for young people employed on regular work projects of the National Youth Administration as long as such need exists. Where such equipment is placed in buildings not owned by the State, suitable measures should be taken to safeguard the continued availability of the equipment for the aforementioned purposes.* [508]

§ 2.26 *Reports and audits.* Each State plan shall provide that the State agency shall make reports in such form and containing such information as the Director may from time to time require and that the State shall comply with such provisions as the Director may find necessary to assure the correctness and verification of such reports.

For this purpose plans shall provide for the maintenance at the State level of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the respective Federal authorizations.

Estimates of cost of courses and of additional space and equipment, as well as final statements thereof, subject to audit and verification as aforesaid, shall be submitted in such form and at such times as the Director may require. Fiscal reports and detailed statistical statements of training, enrollments, transfers, placements, and other details of the State's activities shall be furnished monthly or at such other times and subject to such supplementation as the Director may require and shall be sufficient to enable the Commissioner to transmit to Congress, quarterly, reports required by the Act.* [509]

General Provisions

§ 2.27 *Labor resources.* Unless otherwise indicated the following provisions are applicable to defense training programs under the Act other than training for young people employed on work projects of the National Youth Administration:

(a) *Discrimination.* The Act provides that no trainee in courses conducted pursuant to subdivisions (1), (3), and (4) of the Act shall be discriminated against because of sex, race, or color and it is also provided that the selection of trainees shall be based upon the existing and anticipated need for defense workers in occupations essential to the national defense.

Executive Order No. 8802 of June 25, 1941, reaffirms the policy of the United States that there shall be no discrimination in the employment of workers in defense industries or in the government because of race, creed, color, or national origin. It orders that all departments and agencies of the government of the United States concerned with vocational and training programs for defense production shall take measures to assure that such programs are administered without discrimination because of race, creed, color, or national origin. It requires provisions in government contracts for carrying out this policy and establishes in the Office of Production Management a Committee on Fair Employment Practice to investigate complaints of discrimination in violation of the provisions of the order and to take appropriate steps to redress valid grievances. The Committee is also empowered to recommend to the several departments and agencies of the Government and to the President all measures which may be deemed by it necessary or proper to carry out the provisions of the order. All training programs under the provisions of the Act shall be so conducted as to carry out the policies and provisions of this order.

(b) *Women workers.* In considering the eligibility of women for courses recognition should be given to the policies adopted by the Office of Production Management to promote the employment of women as the general labor market tightens. Training of women, however, must take into consideration the ability of such women to secure presently or in the future employment in occupations essential to the national defense.

(c) *Shortage of farm labor.* State plans should take into consideration the possibility of a shortage of farm labor in certain regions in which national policy requires an expansion of production. Agricultural as well as nonagricultural needs should be considered.* [601]

§ 2.28 *Continued operation under plans pursuant to Public No. 812.* In so far as they are not inconsistent with the policies expressed in these Regulations, existing plans for courses under all subdivisions of the Act under which State agencies and colleges are operating pursuant to the First Supplemental Civil Functions Appropriation Act of 1941 (54 Stat. 1034), Public No. 812, 76th Congress, 3rd Session, may furnish the basis under which courses under this Act are conducted. Where these Regulations would require changes or additions, time will be allowed by the Commissioner or the Director to enable the State agency to comply with such requirements without impairing the use of funds for carrying on the defense training program under existing plans.* [602]

§ 2.29 *Promulgation of regulations.* Pursuant to authority contained in the Act, the foregoing Regulations are hereby promulgated.* [603]

J. W. STUDEBAKER,
U. S. Commissioner of Education.

Date: July 14, 1941.

Approved:

FRANK J. MCSHERRY,
Director of Defense Training,
Federal Security Agency.

Date: July 17, 1941.

Approved:

PAUL V. MCNUTT,
Federal Security Administrator.

Date: July 21, 1941.

Approved:

FRANKLIN D ROOSEVELT
The White House,
July 23, 1941.

[F. R. Doc. 41-6080; Filed, August 18, 1941; 9:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 147—EXPRESS COMPANY SCHEDULES AND CLASSIFICATIONS [1]

ORDER IN THE MATTER OF REGULATIONS GOVERNING THE FORM, PUBLICATION, FILING AND POSTING OF TARIFFS AND CLASSIFICATIONS OF EXPRESS COMPANIES

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 28th day of July, A. D. 1941.

The matter of regulations, pursuant to section 6 or section 217 of the Interstate Commerce Act, governing the form, publication, filing and posting of tariffs of Express Companies being under consideration, and good cause appearing therefor:

It is ordered, That tariffs applicable to the transportation of express filed under

[1] As amended July 28, 1941, effective October 1, 1941.

section 6 or section 217 of the Interstate Commerce Act shall be published, filed and posted in accordance with regulations heretofore adopted and promulgated in Tariff Circular No. 19–A, as modified and supplemented by supplement No. 5 to said Tariff Circular No. 19–A, which supplement is hereby approved.

And it is further ordered, That the said supplement No. 5 to Tariff Circular No. 19–A be, and it is hereby, made effective October 1, 1941.

By the Commission, division 2.

[SEAL] W. P. BARTEL, *Secretary.*

§ 147.0 *General Provisions.*

* * * * *

(b) *Definitions.*

* * * * *

(3) Wherever used in this supplement the term "joint express-motor rates" shall be understood to mean rates, rules or charges applicable to joint transportation between express companies listed in B next below, on the one hand, and common carriers of property by motor vehicle other than such express companies, including transportation where such common carriers by motor vehicle participate only as intermediate carriers, on the other hand.

(4) Wherever used in this supplement the term "local express-motor rates" shall be understood to mean rates, rules or charges applicable wholly over the lines of one or more of the following companies, viz: Railway Express Agency, Incorporated, Canadian National Railways (Express Department), Canadian Pacific Express Company, for transportation wholly by motor vehicle owned or leased by such express companies or partly by rail or water and partly by such motor vehicle.*

*Issued under authority contained in secs. 5 (21), 6, 24 Stat. 380, sec. 1, 25 Stat. 855, sec. 2, 34 Stat. 586, sec. 9, 36 Stat. 548, sec. 11, 37 Stat. 566, secs. 408–411, 41 Stat. 482–483, sec. 203, 48 Stat. 220, sec. 221, 48 Stat. 1080, sec. 217, 49 Stat. 560; sec. 8, 54 Stat. 910; 49 U.S.C. 5 (21), 6 (1)–(13), 49 U.S.C., Sup., 317.

§ 147.3 *Content of tariff title-page.*

* * * * *

(h) [Canceled]

* * * * *

§ 147.4 *Content of tariffs in book or pamphlet form.*

* * * * *

(b) *Participating Carriers.* Names of issuing express companies, including those for which joint agent issues under power of attorney and names of express companies listed in B of "Definition of Terms" that participate under concurrence, alphabetically arranged. The form and number of power of attorney or concurrence by which each such carrier is made party to the tariffs must be shown.

* * * * *

The first line of the second undesignated paragraph of paragraph (h) is changed to read:

(h) *Rules governing the tariff.* * * *

Except as provided in § 147.7 (b), no rule or regulation shall be included which in any way or in any * * *

The first line of the first paragraph of § 147.7 is changed to read:

§ 147.7 *Commodity rates.* (a) Except as provided in paragraph (b) of this section, in every instance where a commodity * * *

(b) When the application of commodity rates, either distance or specific, results in charges higher than those accruing under class rates, provision may be made for alteration of class and commodity rates either by the use of subparagraph (1) below in the commodity tariff or by use of subparagraph (2) below in a tariff containing rules by which the commodity tariff is governed.

(1) Except as otherwise provided herein, if the charges accruing under class rates, published in tariffs lawfully on file with the Interstate Commerce Commission, are lower than the charges provided herein, from and to the same points, such lower charges accruing under class rates will apply.

(2) Except as otherwise provided, if the charges accruing under class rates, published in tariffs lawfully on file with the Interstate Commerce Commission, are lower than the charges provided in commodity tariffs governed by and making reference to this tariff, such lower charges accruing under class rates will apply.

§ 147.8 *Cancelations.*

* * * * *

(d) *Cancelation notice must be by supplement.*

The reference in last line to "§ 147.9 (b)" is changed to read "§ 147.9 (m)".

§ 147.9 *Amendments and supplements.*

* * * * *

(b) Supplements to a tariff shall be numbered consecutively as supplements to that tariff, and must not be given separate or new I.C.C. numbers. Each supplement shall specify the supplement or supplements which it cancels, and shall also show on title-page what supplements contain all changes from original tariff that are in effect. For example:

"Supplement No. ____ to I.C.C. ____." "Cancels Supplements Nos. ____ and ____." "Supplements Nos. ____ and ____ contain all changes from original tariff that are in effect on date hereof." The term "cancels conflicting portions" must not be used.

(c) *Show effective date of reissued items and ICC reference.*

Amended by eliminating the last paragraph.

* * * * *

(g) *Supplement to tariff that is filed and not yet effective.*

The reference in the first line of the second paragraph to "paragraph (b)" is changed to read "paragraph (m)".

(h) *Action when express company is absorbed.*

The reference in the fourteenth line to "paragraph (b)" is changed to read "paragraph (m)".

* * * * *

(j) *Suspension of tariff publications containing increased rates.*

The reference in the sixth paragraph to "paragraph (b)" is changed to read "paragraph (m)".

(l) Not used.

(m) *Number of supplements effective at any time; amount of matter supplements may contain.*

Except as authorized in § 147.8 (d), § 147.9 (h) and § 147.9 (j), a tariff containing the number of pages indicated under Column 1 may have in effect at any time not more than the number of supplements and the volume of supplemental matter shown opposite thereto in Columns 2 and 3, respectively.

Column 1, pages	Column 2, supplements	Column 3, volume (No. of pages)
1 but not more than 4	1	2.
5 but not more than 12	1	4.
12 but not more than 16	1	33⅓ percent of the number of pages in the tariff.
17 but not more than 80	2	
81 but not more than 200	3	
Over 200	4	

Tariffs of 13 or more pages: When the number of pages in the supplement which brings the volume of matter up to that authorized in Column 3 is not evenly divisible by four, that supplement may exceed the volume authorized to the extent of using additional pages within the next multiple of four. The smallest of three effective supplements to a tariff of more than 80 but not more than 200 pages shall contain not more than eight pages, and the smallest of four effective supplements to a tariff of more than 200 pages shall contain not more than 16 pages.

§ 147.103 *Tariffs containing express-motor rates.*

* * * * *

(c) Tariffs containing joint express-motor rates shall show on the title-page a statement indicating that such tariffs contain joint rates with common carriers of property by motor vehicle, including also either a brief description of the territory or points from and to which such joint express-motor rates apply, or reference to a separate publication published and filed in compliance with § 147.112 (b).

§ 147.104 *Correct name of participating common carriers as shown in certificate of public convenience and necessity.*

Canceled and the following substituted therefor:

§ 147.104 *Joint express-motor rates limited to certain defined carriers.* Joint express-motor rates may be made only between express companies listed in par-

agraph B of the "Definition of Terms" and common carriers of property by motor vehicle holding lawful certificates of public convenience and necessity, and only for operations of such carriers covered by such certificates.

§ 147.106 *Applicable charges under express-motor rates.*

Amended to read:

§ 147.106 *Joint rates applicable regardless of lower aggregate.* Tariffs containing joint express-motor rates that have been duly established for application via a route shall contain either (a) a provision that the charges under such rates from point of origin to destination are the applicable charges via that route notwithstanding that they may be higher than the aggregate charges under the separately-established rates of the respective motor carriers and express companies to and from the junction where the freight is received from, or delivered to, the motor carriers; or, (b) reference to a separate governing tariff containing such provision.

§ 147.109 *Powers of attorney and concurrences applicable to express-motor rates*—(a) *Carriers required to execute and file; powers of attorney and concurrences.* All common carriers by motor vehicle participating in joint express-motor rates shall execute and file with the Commission concurrences or powers of attorney substantially in accordance with the forms prescribed in §§ 147.16–147.22, inclusive.

(b) *Additional number.* Powers of attorney and concurrences applicable to joint express-motor rates shall show, as to powers of attorney issued under § 147.16, an additional number in a new series entitled "MEXAL–", and as to concurrences issued under rules 17–23 inclusive, shall show an additional number in a new series entitled "MEXCL–", such numbers to be used consecutively commencing with No. 1, regardless of the EX form used.

(c) *Extra copy required.* In addition to the requirements of §§ 147.16–147.23, inclusive, one extra copy duly executed and attested of each power of attorney or concurrence applicable to a joint express-motor rate or tariff shall be transmitted with the original.

(d) *Revocation and transfer notices.* Where powers of attorney and concurrences are revoked or transferred, the revocation or transfer notices shall refer to the MEXA1 or MEXC1 number (as the case may be) as well as to the EX number.

(3) *Carrier's names.* When a motor carrier issuing a power of attorney or concurrence is not a corporation, such motor carrier shall use the correct name which appears in its certificate (or application, if certificate has not yet been issued) and such power of attorney or concurrence must be signed by an officer, or other person duly authorized to execute such instruments for such carrier.

§ 147.111 *Posting of tariffs containing express-motor rates.* (a) All tariffs containing local or joint express-motor rates shall be posted at the stations or offices of the express companies named in paragraph B of the "Definition of Terms" herein in the manner required by section 6 of Part I of the Interstate Commerce Act for all-rail or rail-water transportation.

(b) Where the participating motor carrier is other than an intermediate carrier each tariff containing joint express-motor rates must be posted at the stations or offices of the motor carrier from, to, or at which such rates apply and at which station or office an exclusive agent is maintained. A general file of all such tariffs shall also be maintained at the principal place of business of such motor carrier, and must be available for public inspection and examination at all reasonable times.

§ 147.112 *Publication and filing of a directory by express companies*—(a) *Directory of stations.* Each of the express companies listed in paragraph B of the "Definition of Terms" herein must publish and file a directory containing a complete list of the stations or offices at which property is received for transportation by express, arranged so as to indicate clearly which of such stations or offices are served by railroad, by water, by motor vehicle, or by two or more of such forms of transportation. All tariffs of rates must make reference to such directory by I. C. C. and ME–I.C.C. number.

(b) *List of participating motor carriers in joint express-motor rates with correct name of carrier and reference to concurrence.* Each of the express companies listed in paragraph B of the "Definition of Terms" herein participating in joint express-motor rates shall include either in the directory specified in (a) or in a separate publication, a list of all participating common carriers of property by motor vehicle arranged by name in alphabetical order, showing the individual names and firm names or, in the case of a corporation, its correct name, with City and State in which their principal offices are located, together with the number of the certificate or certificates under which each such common carrier by motor vehicle operates, and the number or numbers of the concurrence or concurrences filed by such motor common carriers. If a carrier consists of an individual or individuals operating under a trade name, the trade name shall precede the name of the individual operator or names of partners. The list shall show as to each participating motor carrier the points between which express traffic is transported by it under joint express-motor rates, and the points at which interchange is made between the express company and such motor carrier.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–6047; Filed, August 15, 1941; 1:03 p. m.]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

[Ex Parte No. MC 5]

IN THE MATTER OF SECURITY FOR THE PROTECTION OF THE PUBLIC AS PROVIDED IN THE MOTOR CARRIER ACT, 1935, AND OF RULES AND REGULATIONS GOVERNING THE FILING AND APPROVAL OF SURETY BONDS, POLICIES OF INSURANCE, QUALIFICATIONS AS A SELF-INSURER OR OTHER SECURITIES AND AGREEMENTS BY MOTOR CARRIERS AND BROKERS SUBJECT TO PART II OF THE INTERSTATE COMMERCE ACT

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 23rd day of July, A. D. 1941

Rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed by an order dated August 3, 1936, as amended by an order of February 13, 1937, and as modified by an order of April 3, 1939, and relating to the matter of security for the protection of the public, being under consideration:

It is ordered, That the second ordering paragraph of said order of April 3, 1939, be, and it is hereby, vacated.

It is further ordered, That until the further order of the Commission, brokers who were in operation on October 15, 1935, and filed applications for licenses on or before February 12, 1936 shall not be required to comply with the rules and regulations prescribed in said order of August 3, 1936, pending the determination by the Commission of their respective applications for licenses nor, if the issuance of licenses be ordered, until 60 days after the date of the order authorizing issuance thereof.

It is further ordered, That this order shall take effect on August 23, A. D. 1941.

By the Commission, division 5.

[SEAL] W. P. BARTEL,
Secretary.

§ 174.4 *Brokers.* No person shall engage in the business of a broker as defined in Part II, Interstate Commerce Act, and no brokerage license shall be issued to any such person nor remain in force unless and until such person shall have furnished a bond or other security approved by the Commission, in an amount of not less than $5,000, and in such form as will insure the financial responsibility of such broker and the supplying of authorized transportation in accordance with the contracts, agreements, or arrangements therefor; *Provided,* That until the further order of the Commission, brokers who were in operation on October 15, 1935, and filed applications for licenses on or before February 12, 1936 shall not be required to comply with the rules and regulations herein prescribed, pending the determination by the Commission of their respective applications for licenses nor, if

the issuance of licenses be ordered, until 60 days after the date of the order authorizing issuance thereof. (Sec. 211 (c), 49 Stat. 554, 49 U.S.C., Sup., 311 (c)). [As amended July 23, 1941, effective August 23, 1941]

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-6046; Filed August 15, 1941; 1:03 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 669 qm-12349; O. I. No. 8957]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY, 225 FOURTH AVENUE, NEW YORK, NEW YORK

Contract for: Cloth, Lining, Wool, Olive Drab.

Amount: $2,612,700.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this seventeenth day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Lining, Wool, Olive Drab, for the consideration stated totaling Two million, six hundred twelve thousand, seven hundred dollars ($2,612,700.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P-C-374.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-6049; Filed, August 16, 1941; 9:50 a. m.]

[Contract No. W 535 ac-19189; 4878]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: UNITED AIRCRAFT CORPORATION, PRATT & WHITNEY AIRCRAFT DIVISION, EAST HARTFORD, CONNECTICUT

Contract[1] for: Repair and Maintenance Parts for Pratt & Whitney Type Engines.

Amount: $1,445,769.05.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority, AC 28 P 82-3037 A 0705-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 2nd day of June 1941.

Scope of this contract. The contractor shall furnish and deliver Repair and Maintenance Parts for Pratt & Whitney Type Engines for the consideration stated one million four hundred forty five thousand seven hundred and sixty nine dollars and five cents ($1,445,769.05) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCH,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-6050; Filed, August 16, 1941; 9:50 a. m.]

[Contract No. W 535 ac-19224; 4909]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CURTISS-WRIGHT CORPORATION, CURTISS PROPELLER DIVISION, CALDWELL, N. J.

Contract[1] for: Propeller Assemblies, Controls and Data.

Amount: $20,284,464.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 298 P 12-30 A 0705-260.12, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 28th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Propeller Assemblies, controls and data for the consideration stated twenty million two hundred eighty four thousand four hundred sixty four dollars ($20,284,464.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

[1] Approved by the Under Secretary of War June 28, 1941.

[1] Approved by the Under Secretary of War June 30, 1941.

Delays-Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Price adjustment. The Contract prices stated in this contract for Propeller Assemblies and Controls are subject to adjustments for changes in labor and material costs.

It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the articles.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the Contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-6051; Filed, August 16, 1941; 9:50 a. m.]

[Contract No. W 535 ac-18885; 4769]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: UNITED AIRCRAFT CORPORATION, HAMILTON STANDARD PROPELLERS DIVISION, EAST HARTFORD, CONNECTICUT

Contract[1] for: Propeller Control Governor Assemblies and Data.

Amount: $1,512,899.26.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same.

AC 30 P 85-3059 A 0705-01
AC 28 P 82-3037 A 0705-01
AC 26 P 81-3037 A 0705-01

This contract, entered into this 26th day of June, 1941.

Scope of this contract. The contractor shall furnish and deliver Propeller Control Governor Assemblies and Data for the consideration stated one million five hundred twelve thousand eight hundred and ninety nine dollars and twenty six cents ($1,512,899.26) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Price adjustment. The contract prices stated in this contract for Governor Assemblies are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Governor Assemblies.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-6052; Filed, August 16, 1941; 9:50 a. m.]

[Contract No. W 585 ac-19367; 4942]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NORTH AMERICAN AVIATION, INC., INGLEWOOD, CALIFORNIA

Contract[1] for: Maintenance Parts for North American Series Airplanes.

Amount: $1,360,505.52.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 28 P 82-3037 A 0705-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 23rd day of June, 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government Maintenance Parts for North American Type * * * Series Airplanes for the consideration stated one million three hundred sixty thousand five hundred five dollars and fifty-two cents ($1,360,505.52) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

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[1] Approved by the Under Secretary of War June 30, 1941.

[1] Approved by the Under Secretary of War June 28, 1941.

This contract authorized under provisions of Sec. 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-6053; Filed, August 16, 1941; 9:53 a. m.]

[Contract No. W-ORD-528]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: UNITED STATES RUBBER COMPANY, NEW YORK, NEW YORK

Contract for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of caliber * * * and caliber * * * Small Arms Ammunition.

Place: Des Moines, Iowa.

Estimated Cost of management service (including cost of architect-engineer and construction subcontracts) under Title I: $18,586,981.

Fixed-Fee for management service under Title I: $85,500.

Estimated Cost of procuring equipment under Title II: $11,985,000.

Fixed-Fee for procuring equipment under Title II: $88,800.

Estimated Cost of Training Key Personnel under Title III (Optional): $1,000,000.

Fixed-Fee for Training Key Personnel under Title III: $30,000.

Estimated Cost of operation under Title IV (Optional): $54,486,350.

Fixed-Fee for operation under Title IV: $ * * * per thousand cartridges, ball cal. * * *; $ * * * per thousand cartridges, AP, cal. * * *; $ * * * per thousand cartridges, tracer, cal. * * *; $ * * * per thousand cartridges, AP, cal. * * *; $ * * * per thousand cartridges, tracer, cal. * * *

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27042 P99 A-0141-02
ORD 15039 P99 A-0141-02

This contract, entered into this 16th day of July 1941.

TITLE I—*Management Service*

ARTICLE I-A. *Description of new ordnance facility.* 1. The new ordnance facility, hereinafter referred to as the "Plant", and designated as Des Moines Ordnance Plant, shall comprise a plant in the environs of Des Moines, Iowa, upon a site to be furnished and made available by the Government, for the manufacture of Caliber * * * and Caliber * * * Small Arms Ammunition of certain types as specified in Title IV (hereinafter sometimes referred to as the "Ammunition").

ART. I-B. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article I-A hereof.

2. In the performance of the work described in section 1 of this Article I-B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design (including necessary design of production equipment) and engineering and for the construction (including the installation of production equipment) of the Plant.

3. Performance of the subcontracts provided for in Paragraph *b* of section 2 of this Article I-B shall be as follows:

a. The preparation of the general layout of the project and the detailed plans and working drawings for the manufacturing buildings and their equipment shall be subject to the approval of the Contracting Officer appointed by the Chief of Ordnance.

c. Performance of the construction work of the entire project will be subject to the approval of the Contracting Officer appointed by The Quartermaster General.

4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction, and equipping of the said Plant.

5. All of the Contractor's notes and other data concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. I-C. *Estimates.* 1. It is estimated that the total cost of the work under this Title I will be approximately eighteen million five hundred eighty six thousand nine hundred eighty one dollars ($18,586,981), including the cost of all subcontracts but excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I-D. *Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of eighty-five thousand five hundred dollars ($85,500.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE II—*Procurement of Production Equipment*

ART. II-A. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required.

ART. II-B. *Estimates.* It is estimated that the total cost under this Title II will be approximately eleven million nine hundred eighty-five thousand dollars ($11,985,000), exclusive of the Contractor's fee.

ART. II-C. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of eighty-eight thousand eight hundred dollars ($88,800), determined by negotiations between the Contractor and the Chief of Ordnance, which shall constitute complete compensation for the Contractor's services, including profit.

TITLE III—*Training of Key Personnel (Optional)*

ART. III-A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at other Ordnance Plants or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under Section 1 of Article IV-A of Title IV.

ART. III-B. *Estimate.* It is estimated that the cost of the work under this Title III will be approximately one million dollars ($1,000,000), exclusive of the Contractor's fee.

ART. III-C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of thirty thousand dollars ($30,000), which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—*Operation of Plant (Optional)*

ART. IV–A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor within * * * months after the date of approval of this contract of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II, and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall proceed to operate it as directed from time to time by the Contracting Officer, irrespective of whether or not the construction and equipping of the Plant as a whole shall have been completed.

4. Upon written notice to the Contractor not less than * * * days before the completion of the operation provided for in section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the production of an additional quantity of Ammunition equal to that set forth in section 3 of this Article IV–A and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee for such additional operation, which fee shall be that provided in section 3 of Article IV–C, hereof).

ART. IV–B. *Estimates.* It is estimated that the cost of the work under this Title IV will be fifty-four million four hundred eighty-six thousand three hundred fifty dollars ($54,486,350.00), exclusive of the cost of continued operation covered by the option therefor provided in section 4 of Article IV–A hereof, and exclusive of the Contractor's fee.

ART. IV–C. *Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. Fixed-fees for operation provided in Article IV–A hereof, as follows:

(a) * * * fixed-fee per 1000 cartridges, Ball, Cal. and
(b) * * * fixed-fee per 1000 Cartridges, Armor Piercing, Cal. and
(c) * * * fixed-fee per 1000 Cartridges, Tracer, Cal. and
(d) * * * fixed-fee per 1000 Cartridges, Armor Piercing, Cal. and
(e) * * * fixed-fee per 1000 Cartridges, Tracer, Cal.

TITLE V—*Cost of the Work and Payment Therefor*

ART. V–B. *Payments—Reimbursement for cost.* 1. *a.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article V–A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, the original receipted invoices for materials, equipment, etc., or other original papers satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph *a* of section 1 shall be subject to the provisions of Article V–C.

Payment of the fixed-fees. 2. *a.* The fixed-fee provided for in Article I–D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month from and after the approval date of this contract, as it accrues.

b. The fixed-fee provided for in Article II–C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month from and after the approval date of this contract, as it accrues.

c. The fixed-fee provided for in Article III–C of Title III shall be paid in ten (10) equal monthly installments less ten (10%) percent of each such installment.

d. The fixed-fee provided for in Article IV–C of Title IV shall be paid monthly as it accrues, dependent upon the quantities and types of Ammunition produced and accepted.

Final payment. 4. Upon completion of the work under Titles I, II and III and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof and of the fees.

ART. V–C. *Advances.* 1. At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract. Such advance or advances shall be made in each case upon the furnishing of such surety bonds in such penal sums not exceeding the total aggregate advance as the Secretary of War may prescribe.

TITLE VI—*Termination*

ART. VI–A. *Termination by Government.* 1. The Government may terminate this contract at any time by a notice in wrting from the Contracting Officer to the Contractor.

TITLE VII—*General*

ART. VII–C. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII–D. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws:

Act of July 2, 1940 (Pub. No. 703), continued by Act of June 30, 1941 (Pub. No. 139)

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6076; Filed, August 18, 1941; 9:49 a. m.]

[Contract No. W 535 ac-19412; 4986]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WRIGHT AERONAUTICAL CORPORATION, PATERSON, NEW JERSEY

Contract[1] for: Maintenance Parts for Wright Aeronautical Type Engines Now in Service.

Amount: $4,358,453.81.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procure-

[1] Approved by the Under Secretary of War, June 30, 1941.

ment Authorities, the available balances of which are sufficient to cover costs of same.

AC 28 P 82–3037 A 0705–01
AC 28 P 82–1280 A 0705–01

This contract, entered into this 27th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government Maintenance Parts for Wright Aeronautical Type Engines now in service for the consideration stated four million three hundred fifty eight thousand four hundred fifty three dollars and eighty one cents ($4,358,453.81) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of sec. 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6077; Filed, August 18, 1941; 9:49 a. m.]

[Contract No. W 535 ac–55]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REPUBLIC AVIATION CORPORATION, FARRINGDALE, LONG ISLAND, NEW YORK

Contract[1] for: * * * Airplanes, Spare Parts Therefor and Data.

Amount: $8,165,400.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority listed below, the available balance of which is sufficient to cover cost of same. AC 810 P 112–30 A 0021–13.

This contract, entered into this 26th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * airplanes, spare parts therefor and data for the consideration stated eight million one hundred sixty five thousand four hundred dollars ($8,165,400.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the articles.

Title to property where partial payments are made: The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6078; Filed, August 18, 1941; 9:50 a. m.]

[1] Approved by the Under Secretary of War, June 30, 1941.

[Contract No. W 953 ORD 1985]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: UNITED ENGINEERING AND FOUNDRY COMPANY, FIRST NATIONAL BANK BUILDING, PITTSBURGH, PENNSYLVANIA

Contract[1] for: * * * Howitzers, * * *, and Extra parts.

Amount: $1,220,199.40.

Place: Watervliet Arsenal, Watervliet, New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities shown below, the available balances of which are sufficient to cover the cost thereof.

O. S. & S. A. 1940–41
(953) ORD 9886 P11–30/A 1005–01

[1] Approved by the Chief of Ordnance, June 30, 1941.

This contract, entered into this 9th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Howitzers, * * *, and necessary extra parts for * * * Howitzers, for the consideration stated $1,220,199.40 and in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Performance bond. For the faithful performance of this contract, a Performance Bond in the sum of 10% of the contract price of the Howitzers and Extra Parts is included in this contract, which will continue in force until the entire number of Howitzers and Extra Parts covered herein have been finally accepted.

Price adjustment. The contract price stated in Article 1 is subject to adjustment for changes in labor costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

Payment. Seventy-five percent (75%) of the contract price will be paid after provisional acceptance of each Howitzer; balance, after final acceptance.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract was executed under the Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6079; Filed, August 18, 1941; 9:50 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1541-FD]

IN THE MATTER OF THE WYATT COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9960, DEFENDANT

ORDER CANCELLING HEARING

A hearing in the above entitled matter having been heretofore scheduled for 10 a. m. on August 22, 1941, at the Daniel Boone Hotel, Charleston, W. Va.; and an order having been entered in the above entitled matter dated July 30, 1941, suspending the registration as a distributor of the defendant pursuant to stipulation of the defendant dated July 19, 1941;

Now, therefore, it is ordered, That the hearing in the above entitled matter be and the same is hereby cancelled.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6081; Filed, August 18, 1941; 10:27 a. m.]

[Docket No. 1717-FD]

IN THE MATTER OF SHELBY COAL COMPANY (W. K. JENNE), REGISTERED DISTRIBUTOR, REGISTRATION NO. 4797, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on August 22, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, at the Federal Court Room, Federal Building, Catlettsburg, Kentucky; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: August 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6082; Filed, August 18, 1941; 10:27 a. m.]

[Docket No. 1731-FD]

IN THE MATTER OF W. C. THOMAS AND L. PAYNE, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on August 18, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Big Stone Gap, Virginia; and

The Bituminous Coal Producers Board for District No. 8, complainant herein, having moved for a postponement of said hearing; and

It appearing to the Director that good cause has been shown for such postponement and that it is advisable to grant the motion of said complainant;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: August 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6083; Filed, August 18, 1941; 10:28 a. m.]

[Docket No. 1760-FD]

IN THE MATTER OF J. P. CLARK, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on August 20, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Huntington, West Virginia; and

The Bituminous Coal Producers Board for District No. 8, complainant herein, having moved for a postponement of said hearing; and

It appearing to the Director that good cause has been shown for such postponement and that it is advisable to grant the motion of said complainant;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and at a hearing room to be here-

after designated by an appropriate order of the Director.

Dated: August 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6084; Filed, August 18, 1941; 10:28 a. m.]

[Docket No. A-36 Part III]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE DITNEY HILL MINE OF THE INGLE COAL COMPANY, MINE INDEX NO. 115

[Docket No. A-383]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE CHINOOK MINE OF THE AYRSHIRE PATOKA COLLIERIES CORPORATION

[Docket No. A-761]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR SEVENTH VEIN COALS TO BE PRODUCED BY H. A. SIEPMAN COAL COMPANY, A CODE MEMBER PRODUCER IN DISTRICT NO. 11, AT ITS EBONY MINE, INDEX NO. 33, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CONTINUING HEARING

It appearing appropriate and necessary that the hearings in these proceedings now scheduled for August 21, 1941, be continued until September 18, 1941;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be continued until 10 o'clock in the forenoon of September 18, 1941, at the place heretofore designated and before the officer previously designated to preside at such hearings.

It is further ordered, That the time for filing petitions of intervention in the above-entitled matters be, and it hereby is, extended until September 8, 1941.

Dated: August 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6085; Filed, August 18, 1941; 10:28 a. m.]

[Docket No. 1837-FD]

IN THE MATTER OF THE APPLICATION OF THE M. A. HANNA COMPANY AND HANNA COAL SALES COMPANY TO SECURE DETERMINATIONS AS PROVIDED FOR BY RULE 10, SECTION II OF THE MARKETING RULES AND REGULATIONS AND PARAGRAPH (b) (8) OF § 304.12 OF THE RULES AND REGULATIONS FOR REGISTRATION OF DISTRIBUTORS

NOTICE OF AND ORDER FOR HEARING

The M. A. Hanna Company and the Hanna Coal Sales Company, corporations organized under the laws of Ohio and Delaware, respectively, with their principal offices in Cleveland, Ohio, each being registered with the Division as a distributor and each acting as a sales agent for certain code member producers, having filed their joint petition in the above-entitled matter, praying:

(1) That the Division determine that the ownership of the stock of the Empire-Hanna Coal Company, Limited (50%) and of the Hanna Coal Sales Company (100%) by M. A. Hanna Company is bona fide, is not established to secure an indirect price reduction, and is not within the prohibitions of Paragraphs 11 and 12 of section 4 II (i) of the Act;

(2) That M. A. Hanna Company and Hanna Coal Sales Company, each, on transactions made prior and subsequent to the requested determination as set out in (1) above, be authorized:

(a) to receive sales agents' commissions on coal sold by them as sales agents to Empire-Hanna Coal Company, Limited;

(b) to accept and retain distributors' discounts on coal purchased and resold by them as distributors to the Empire-Hanna Coal Company, Limited, in cargo and railroad carload lots, and

(3) For such other and further or alternative relief as may be deemed necessary;

It is ordered, That a hearing on such matter be held on September 22, 1941, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before September 18, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: August 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6086; Filed, August 18, 1941; 10:29 a. m.]

[Docket No. A-947]

PETITION OF BIG BEND COLLIERIES, INC., ET AL., FOR THE ESTABLISHMENT OF EFFECTIVE MINIMUM PRICES FOR SUBSTANDARD COALS PRODUCED FROM THE BRAZIL BLOCK VEIN IN DISTRICT NO. 11, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING AND DENYING MOTION FOR REMOVAL OF THE HEARING FROM WASHINGTON, D. C.

The original petitioner in this proceeding having filed with this Division on July 29, 1941, a motion for removal to Terre Haute, Indiana, of the hearing now scheduled to be held in Washington, D. C., on August 20, 1941; and

The motion for the removal of the hearing in this matter to Terre Haute, Indiana, having been fully considered and the grounds therefor not deemed adequate to warrant such removal in view of the additional burden that would be placed upon the Division by the granting thereof; and

It appearing that it is appropriate and necessary that the hearing in the above-entitled matter now scheduled for August 20, 1941, be postponed until September 18, 1941;

Now, therefore, it is ordered, That the motion for removal to Terre Haute, Indiana, of the hearing now scheduled to be held at Washington, D. C., be, and the same hereby is, denied.

It is further ordered, That the hearing in the above-entitled matter be postponed until 10 o'clock in the forenoon of September 18, 1941, at the place heretofore designated and before the officer previously designated to preside at such hearing.

It is further ordered, That the time for filing petitions of intervention in the above-entitled matter be, and it hereby is, extended until September 8, 1941.

Dated: August 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6087; Filed, August 18, 1941; 10:29 a. m.]

[Docket No. 1694–FD]

IN THE MATTER OF THE CLEAR BRANCH MINING COMPANY, DEFENDANT

CEASE AND DESIST ORDER

A complaint, dated May 14, 1941, having been filed by the Bituminous Coal Producers Board for District No. 8, as complainant, with the Bituminous Coal Division (the "Division") pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the defendant of the Bituminous Coal Code (the "Code") and the effective minimum prices established thereunder by selling, offering for sale and delivering bituminous coal produced by the defendant at its Clear Branch Mine (Mine Index No. 110) located at or near Ligon, Floyd County, Kentucky, at less than the effective minimum prices for said coal f. o. b. the mine as set forth in a schedule marked "Appendix A" annexed to and made a part of said complaint; and

An amended complaint dated May 27, 1941, having been filed with the Division pursuant to the provisions of sections 4 II (j) and 5 (b) of the Act on June 2, 1941, by the complainant herein, alleging wilful violation by the defendant of the Code and the effective minimum prices established thereunder by selling, offering for sale and delivering bituminous coal produced by the defendant at its said mine at less than the effective minimum prices therefor f. o. b. the mine as set forth in a schedule marked "Appendix A", annexed to and made a part of said amended complaint; and

Said complaint and said amended complaint herein having, respectively, been duly served upon the defendant; and

The defendant, by stipulation made June 30, 1941, the original of which is on file with the Division, having admitted the truth of the allegations of said amended complaint and the facts set out in said stipulation, and having consented to the making and entry of this order; and

The defendant, having by such stipulation further stipulated, admitted and agreed that it sold coal produced at its Clear Branch Mine (Mine Index No. 110) on the dates, in the sizes and quantities and at the prices f. o. b. said mine, below the effective minimum prices established therefor, as hereinafter found; and

The defendant, by said stipulation, having consented to the making and entry by the Director forthwith and without further proceedings of an order herein directing that the defendant, its officers, representatives, agents, servants, employees, attorneys, and its affiliates, and all persons acting in its behalf and interest, cease and desist from further violations of the Act and regulations made thereunder and permanently enjoining them from such violations; and

The defendant, by said stipulation, having further stipulated and agreed that this cease and desist order may provide that it shall remain in full force and effect notwithstanding the entry of an order revoking the defendant's code membership in "In the Matter of The Clear Branch Mining Company," Docket No. 1693–FD notwithstanding the subsequent restoration of the defendant's code membership in such proceedings pursuant to section 5 (c) of the Act:

Now therefore, Pursuant to the authority vested in the Director by section 4 II (j) of the Act authorizing him to adjust the complaints of violations and to compose the differences of the parties thereto;

1. It is hereby found that:

(a) the defendant was at all times herein mentioned and now is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio with its principal place of business located at 327 Richardson Building, Toledo, Ohio, and engaged under the powers granted to it by its corporate charter in the business of producing and selling bituminous coal; and

(b) on June 14, 1937, the defendant filed with the National Bituminous Coal Commission (the "Commission") its acceptance dated June 11, 1937, of the Code; said acceptance was approved by the Commission to take effect as of the date of the promulgation of the Code, June 21, 1937, and the defendant has been since said last mentioned date and is now a code member operating the Clear Branch Mine, Mine Index No. 110, located at or near Ligon, Floyd County, Kentucky, in District No. 8;

(c) The Elmer Miller Coal Company ("Elmer Miller"), was at all times herein mentioned and now is a corporation organized and existing under and by virtue of the laws of the State of Ohio, with its principal office located at 504 Richardson Building, Toledo, Ohio, engaged under the powers granted to it by its corporate charter in the business of buying, selling and distributing coal;

(d) On July 21, 1939, pursuant to the order of the Commission dated March 24, 1939, entered in General Docket No. 12 and adopted on July 1, 1939, as an order of the Division, Elmer Miller filed with the Division its application dated July 10, 1939, for registration as a registered distributor; said application was approved by the Division on November 15, 1939, and Certificate No. 6455 was issued to Elmer Miller authorizing it to act as a registered distributor, and Elmer Miller has been ever since said last mentioned date and is now acting as a registered distributor;

(e) pursuant to contract dated December 18, 1937, the defendant appointed Elmer Miller as its exclusive sales agent for a period of ten years commencing on December 18, 1937; said contract was filed with the Division on July 21, 1939; and

(f) Elmer Miller at all times herein mentioned owned and now owns 50½ per cent of the outstanding corporate shares of the defendant and controlled and now controls the corporate acts and doings of the defendant and Elmer Miller acted as the duly authorized sales agent of the defendant under the above described sales contract in the sales transactions herein described.

2. It is hereby further found that the defendant has wilfully violated the provisions of the Act, the Code, and the effective minimum prices established thereunder by offering to sell and delivering to various purchasers subsequent to September 30, 1940, substantial quantities of coal produced by it at its Clear Branch Mine, Mine Index No. 110, in District No. 8, on the dates, in the sizes and quantities and at the prices f. o. b. said mine and below the effective minimum prices therefor as follows:

[Each Item Represents 1 Railroad Car of Approximately 50 Tons]

Date shipped	Market area	Size sold	Selling price f. o. b. the mine	Established minimum price f. o. b. the mine
1940				
Oct. 25	20	6 x 4	$2.50	$2.85
Oct. 25	13	6" Blk	2.95	3.05
Oct. 26	21	6 x 4	2.50	2.85
Oct. 24	23	6" Blk	2.95	3.05
Oct. 26	30	6 x 4	2.50	2.85
Oct. 26	21	6 x 4	2.50	2.85
Oct. 26	15	6 x 4	2.50	2.85
Oct. 28	21	6 x 4	2.50	2.85
Oct. 28	20	6 x 4	2.50	2.85
Oct. 28	20	6" Blk	2.95	3.05
Oct. 29	21	6 x 4	2.50	2.85
Oct. 29	21	6 x 4	2.50	2.85
Oct. 29	15	6" Blk	2.95	3.05
Oct. 29	30	6 x 4	2.50	2.85
Oct. 30	42	6 x 3	2.25	2.35
Oct. 30	23	6 x 3	2.50	2.60
Oct. 30	18	6" Blk	2.95	3.05
Oct. 30	18	6" Blk	2.95	3.05
Oct. 30	15	6" Blk	2.95	3.05
Oct. 31	21	6 x 3	2.50	2.60
Oct. 31	15	6" Blk	2.95	3.05
Nov. 1	21	6 x 3	2.50	2.60
Nov. 5	23	6" Blk	2.95	3.05
Nov. 5	21	6" Blk	2.95	3.05
Nov. 5	15	6" Blk	2.95	3.05
Nov. 4	21	6 x 3	2.50	2.06
Nov. 6	21	6" Blk	2.95	3.05
Nov. 6	30	6" Blk	2.95	3.05
Nov. 6	21	6" Blk	2.95	3.05
Nov. 6	30	6" Blk	2.95	3.05
Nov. 6	15	6" Blk	2.95	3.05
Nov. 7	30	6" Blk	2.95	3.05
Nov. 7	15	6 x 3	2.40	2.60
Nov. 7	21	6 x 3	2.50	2.60
Nov. 12	23	6 x 3	2.40	2.60
Nov. 12	15	6" Blk	2.95	3.05
Nov. 12	21	6" Blk	2.95	3.05
Nov. 12	13	6" Blk	2.95	3.05
Nov. 12	20	6" Blk	2.95	3.05
Nov. 12	23	6" Blk	2.95	3.05
Nov. 12	15	6 x 3	2.40	2.60
Nov. 12	39	6 x 3	2.40	2.60
Nov. 12	21	6 x 3	2.50	2.60
Nov. 12	16	6 x 3	2.40	2.60
Nov. 12	42	6 x 3	2.25	2.35
Nov. 12	30	6 x 3	2.50	2.60
Nov. 13	20	6" Blk	2.95	3.05
Nov. 13	15	6" Blk	2.95	3.05
Nov. 13	29	6" Blk	2.95	3.05
Nov. 13	15	6" Blk	2.95	3.05
Nov. 13	21	6 x 3	2.50	2.60
Nov. 13	20	6 x 3	2.50	2.60
Nov. 13	20	6 x 3	2.50	2.60
Nov. 13	21	6 x 3	2.50	2.60
Nov. 14	20	6" Blk	2.95	3.05
Nov. 14	21	6" Blk	2.95	3.05
Nov. 16	15	6" Blk	2.95	3.05
Nov. 16	30	6" Blk	2.95	3.05
Nov. 16	16	6" Blk	2.95	3.05
Nov. 16	23	6" Blk	2.95	3.05
Nov. 16	21	6" Blk	2.95	3.05
Nov. 16	21	6" Blk	2.95	3.05
Nov. 18	23	6" Blk	2.95	3.05
Nov. 18	21	6" Blk	2.95	3.05
Nov. 18	20	6" Blk	2.95	3.05
Nov. 22	15	6" Blk	2.95	3.05
Nov. 22	16	6" Blk	2.95	3.05
Nov. 22	15	6" Blk	2.95	3.05

Date shipped	Market area	Size sold	Selling price f. o. b. the mine	Established minimum price f. o. b. the mine
1940				
Nov. 22	41	6 x 3	$2.25	$2.35
Nov. 23	21	6" Blk	2.95	3.05
Nov. 23	18	6" Blk	2.95	3.05
Nov. 23	20	6" Blk	2.95	3.05
Nov. 23	21	6 x 3	2.50	2.60
Nov. 23	20	6 x 3	2.50	2.60
Nov. 26	20	6" Blk	2.95	3.05
Nov. 26	17	6" Blk	2.95	3.05
Nov. 27	42	6 x 3	2.25	2.35
Nov. 27	21	6 x 3	2.50	2.60
Nov. 28	21	6" Blk	2.95	3.05
Nov. 28	13	6" Blk	2.95	3.05
Nov. 28	21	6 x 3	2.50	2.60
Nov. 28	23	6 x 3	2.10	2.25
Nov. 28	21	6" Blk	2.95	3.05
Nov. 30	18	6" Blk	2.95	3.05
Nov. 30	23	6" Blk	2.95	3.05
Nov. 30	13	6 x 3	2.50	2.60
Nov. 30	23	6 x 3	2.50	2.60
Nov. 30	21	6" Blk	2.95	3.05
Nov. 30	15	6" Blk	2.95	3.05
Dec. 2	13	6" Blk	2.95	3.05
Dec. 2	17	6" Blk	2.95	3.05
Dec. 2	15	6" Blk	2.95	3.05
Dec. 2	22	6" Blk	2.95	3.05
Dec. 3	30	6 x 3	2.50	2.60
Dec. 3	20	6" Blk	2.95	3.05
Dec. 3	18	6" Blk	2.95	3.05
Dec. 3	21	6 x 3	2.50	2.60
Dec. 3	15	6 x 3	2.40	2.60
Dec. 4	23	6" Blk	2.95	3.05
Dec. 4	13	6" Blk	2.95	3.05
Dec. 4	16	6" Blk	2.95	3.05
Dec. 4	18	6" Blk	2.95	3.05
Dec. 4	30	6 x 3	2.50	2.60
Dec. 4	20	6 x 3	2.50	2.60
Dec. 5	21	6" Blk	2.95	3.05
Dec. 5	20	6" Blk	2.95	3.05
Dec. 5	15	6" Blk	2.95	3.05
Dec. 5	21	6 x 3	2.50	2.60
Dec. 5	21	6 x 3	2.50	2.60
Dec. 5	15	6 x 3	2.40	2.60
Dec. 5	16	6 x 3	2.40	2.60
Dec. 6	21	6 x 3	2.50	2.60
Dec. 6	21	6" Blk	2.95	3.05
Dec. 6	23	6" Blk	2.95	3.05
Dec. 10	21	6" Blk	2.95	3.05
Dec. 10	30	6" Blk	2.95	3.05
Dec. 10	21	6 x 3	2.50	2.60
Dec. 10	42	6 x 3	2.25	2.35
Dec. 11	20	6" Blk	2.95	3.05

SUMMARY.—Total cars (of approximately 50 tons each) sold at less than the effective minimum prices, 119.

Now therefore, Based upon the above findings and upon the defendant's stipulation and agreements therein contained;

It is ordered, That the defendant, its officers, representatives, agents, servants, employees, attorneys, and its affiliates, and all persons acting or claiming to act in its behalf and interest, cease and desist, and they and each of them hereby are permanently enjoined and restrained from violating the Act and the Code, the effective minimum prices established thereunder and the Marketing Rules and Regulations;

It is further ordered, That this order shall continue in full force and effect in respect to the defendant, its officers, representatives, agents, servants, employees, attorneys, and its affiliates, and all persons acting or claiming to act in its behalf or interest upon any restoration of the defendant's code membership pursuant to section 5 (c) of the Act in "In the Matter of The Clear Branch Mining Company", Docket No. 1693–FD, whether revocation of defendant's code membership so restored occurs before or after the date of the entry of this order;

It is further ordered, That the Division, in its discretion, may apply to the Circuit Court of Appeals of the United States within any circuit where such defendant resides and carries on business for the enforcement hereof.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6088; Filed, August 18, 1941; 10:29 a. m.]

[Docket No. 1693–FD]

IN THE MATTER OF THE CLEAR BRANCH MINING COMPANY, DEFENDANT

ORDER REVOKING CODE MEMBERSHIP AND PROVIDING FOR PAYMENT OF TAX FOR REINSTATEMENT

A complaint, dated May 14, 1941, having been filed by the Bituminous Coal Producers Board for District No. 8, as complainant, with the Bituminous Coal Division (the "Division") pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") alleging wilful violation by the defendant of the Bituminous Coal Code (the "Code") and the effective minimum prices established thereunder by selling, offering for sale and delivering bituminous coal produced by the defendant at its Clear Branch Mine (Mine Index No. 110) located at or near Ligon, Floyd County, Kentucky, at less than the effective minimum prices for said coal f. o. b. the mine as set forth in a Schedule marked "Appendix A" annexed to and made a part of said complaint; and

An amended complaint, dated May 27, 1941, having been filed with the Division on June 2, 1941, by the complainant herein, alleging that the defendant, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Act, has wilfully violated the Code and the effective minimum prices established thereunder by selling, offering for sale and delivering bituminous coal produced by the defendant at its said mine at less than the effective minimum prices therefor f. o. b. the mine as set forth in a Schedule marked "Appendix A" annexed to and made a part of said amended complaint; and

Said complaint and said amended complaint herein having, respectively, been duly served upon the defendant; and

The defendant, by stipulation made July 1, 1941, the original of which is on file with the Division, having admitted the truth of the allegations of said amended complaint and the facts set out in said stipulation, and having consented to the making and entry of this order; and

The defendant, having by such stipulation further stipulated, admitted and agreed that it sold coal produced at its Clear Branch Mine (Mine Index No. 110) on the dates, in the sizes and quantities and at the prices f. o. b. said mine, below the effective minimum prices established therefor, as hereinafter found; and

The defendant, by said stipulation, having consented to the making and entry by the Director of an order herein terminating the code membership of the defendant; and

The defendant, having by said stipulation and in furtherance thereof, expressly waived (a) notice of hearing on the complaint herein, (b) hearing on the complaint herein, (c) oral argument and the filing of briefs by the Director, Examiner, or other presiding officer, (d) oral argument before the Director, Examiner or any other presiding officer, and, (e) the preparation and submission of any report, findings of fact, or recommendations by the Director, Examiner, or any other presiding officer; and

The defendant, having by said stipulation, further stipulated and agreed that this order revoking its code membership may provide that any cease and desist order entered by the Director against the defendant in "In the Matter of The Clear Branch Mining Company", Docket No. 1694–FD, shall continue in full force and effect against the defendant upon restoration of its code membership pursuant to section 5 (c) of the Act; and

The defendant, having agreed by said stipulation that upon the effective date of this order it will immediately pay to the United States Government the amount of the tax, namely, Three Thousand One Hundred Sixty-nine Dollars and Twenty-four Cents ($3,169.24) stipulated by it to be the amount required by sections 5 (b) and (c) of the Act to be paid as a condition to its reinstatement to membership in the Code.

Now, therefore, pursuant to the authority vested in the Director by section 4 II (j) of the Act authorizing him to adjust the complaints of violations and to compose the differences of the parties thereto;

1. It is hereby found that:

(a) the defendant was at all times herein mentioned and now is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio, with its principal place of business located at 327 Richardson Building, Toledo, Ohio, and engaged under the powers granted to it by its corporate charter in the business of producing and selling bituminous coal;

(b) on June 14, 1937, the defendant filed with the National Bituminous Coal Commission (the "Commission"), its acceptance dated June 11, 1937 of the Code; said acceptance was approved by the Commission to take effect as of the date of the promulgation of the Code, June 21, 1937, and the defendant has since said last mentioned date and is now a code member operating the Clear Branch Mine, Mine Index No. 110, located at or

near Ligon, Floyd County, Kentucky, in District No. 8;

(c) The Elmer Miller Coal Company ("Elmer Miller") was at all times herein mentioned and now is a corporation organized and existing under and by virtue of the laws of the State of Ohio, with its principal office located at 504 Richardson Building, Toledo, Ohio, engaged under the powers granted to it by its corporate charter in the business of buying, selling and distributing coal;

(d) on July 21, 1939, pursuant to the order of the Commission dated March 24, 1939, entered in General Docket No. 12 and adopted on July 1, 1939 as an order of the Division, Elmer Miller filed with the Division its application dated July 10, 1939 for registration as a registered distributor; said application was approved by the Division on November 15, 1939 and Certificate No. 6455 was issued to Elmer Miller authorizing it to act as a registered distributor, and Elmer Miller has been ever since said last mentioned date and is now acting as a registered distributor;

(e) pursuant to contract dated December 18, 1937, the defendant appointed Elmer Miller as its exclusive sales agent for a period of ten years commencing on December 18, 1937; said contract was filed with the Division on July 21, 1939; and

(f) Elmer Miller at all times herein mentioned owned and now owns 50½ per cent of the outstanding corporate shares of the defendant and controlled and now controls the corporate acts and doings of the defendant and Elmer Miller acted as the duly authorized sales agent of the defendant under the above described sales contract in the sales transactions herein described.

2. It is hereby further found that the defendant has wilfully violated the provisions of the Act, the Code, and the effective minimum prices established thereunder by offering to sell, selling and delivering to various purchasers, subsequent to September 30, 1940, substantial quantities of coal produced by it at its Clear Branch Mine, Mine Index No. 110, in District No. 8, on the dates, in the sizes and quantities, and at the prices f. o. b. said mine and below the effective minimum prices therefor, as follows:

[Each Item Represents 1 Railroad Car of Approximately 50 tons]

Date shipped	Market area	Size sold	Selling price f. o. b. the mine	Established minimum price f. o. b. the mine
1940				
Oct. 3	17	6″ Blk	$2.95	$3.05
Oct. 4	42	5 x 4	2.25	2.35
Oct. 9	17	5 x 3½	2.50	2.85
Oct. 10	42	5 x 3	2.25	2.35
Oct. 18	42	5 x 3	2.25	2.35
Oct. 21	15	6 x 3	2.50	2.60
Oct. 22	42	5 x 3	2.26	2.35
Oct. 23	16	5 x 3	2.40	2.50
Dec. 23	30	6″ Blk	2.95	3.05
Dec. 24	21	6″ Blk	2.95	3.05
Dec. 24	15	6″ Blk	2.95	3.05
1941				
Jan. 6	42	5 x 3	$2.25	$2.35
Jan. 8	21	6″ Blk	2.95	3.05
Jan. 8	21	6″ Blk	2.95	3.05
Jan. 8	15	6″ Blk	2.95	3.05
Jan. 8	21	6 x 2¾	2.50	2.60
Jan. 8	20	6 x 2¾	2.50	2.60
Jan. 9	30	6 x 2¾	2.50	2.60
Jan. 8	21	6 x 3	2.50	2.60
Jan. 10	15	5 x 3	2.40	2.50
Jan. 11	15	5 x 3	2.40	2.50
Jan. 16	16	5 x 3	2.40	2.50
Jan. 20	15	6″ Blk	2.95	3.05
Jan. 20	20	6″ Blk	2.95	3.05
Jan. 20	15	5 x 3	2.40	2.50
Jan. 21	18	6″ Blk	2.95	3.05
Jan. 23	30	6″ Blk	2.95	3.05
Jan. 23	15	5 x 3	2.40	2.50
Jan. 23	30	6 x 3	2.50	2.60
Jan. 27	23	5 x 3	2.40	2.50
Jan. 27	15	5 x 3	2.40	2.50
Jan. 27	15	5 x 3	2.40	2.50
Jan. 30	13	6″ Blk	2.95	3.05
Jan. 31	15	6″ Blk	2.95	3.05
Jan. 31	18	6″ Blk	2.95	3.05
Jan. 31	20	6″ Blk	2.95	3.05
Jan. 31	30	6 x 3	2.50	2.60
Jan. 31	21	6 x 3	2.50	2.60
Feb. 4	30	6 x 3	2.40	2.60
Feb. 4	15	6″ Blk	2.95	3.05
Feb. 4	15	6″ Blk	2.95	3.05
Feb. 5	13	6″ Blk	2.95	3.05
Feb. 6	16	5 x 3	2.40	2.50
Feb. 6	13	6″ Blk	2.95	3.05
Feb. 6	15	6″ Blk	2.95	3.05
Feb. 10	30	5 x 3	2.40	2.50
Feb. 19	15	6″ Blk	2.95	3.05
Feb. 19	30	6″ Blk	2.95	3.05
Feb. 20	23	6″ Blk	2.95	3.05
Feb. 21	15	5 x 3	2.40	2.50
Feb. 28	18	6″ Blk	2.95	3.05
Mar. 6	15	6″ Blk	2.95	3.05
Mar. 17	23	6″ Blk	2.95	3.05
Mar. 18	30	6″ Blk	2.95	3.05
Mar. 20	15	5 x 3	2.40	2.50
Mar. 11*	13	6″ Blk	2.95	3.05
Feb. 4	107	6 x 3	2.50	2.60
1940				
Dec. 23	15	1½ Mod. Slk	1.75	1.85
Dec. 23	21	1½ Mod. Slk	1.75	1.85

*=one-half car.

SUMMARY.—Total cars (of approximately 50 tons each) sold at less than the effective minimum prices, 59½.

3. It is hereby further found that the amount of the tax imposed by sections 5 (b) and (c) of the Act required to be paid by the defendant as a condition to its reinstatement in the Code is Three Thousand One Hundred Sixty-nine Dollars and Twenty-four Cents ($3,169.24), which amount is 39 percent of the effective minimum prices aggregating Eight Thousand One Hundred Twenty-six Dollars and Twenty-five Cents ($8,126.25) for the coal sold in violation of the effective minimum prices as set forth in paragraph 2 hereof.

Now, therefore, based upon the above findings and the defendant's stipulation hereinabove described and its agreement therein contained that it will immediately upon the entry of this order pay to the United States Government the amount of the tax, namely, Three Thousand One Hundred Sixty-nine Dollars and Twenty-four Cents ($3,169.24) found to be the amount required to be paid by the defendant pursuant to section 5 (c) of the Act as a condition to its reinstatement to membership in the Code,

It is ordered, That the membership of the above named defendant in the Code be and the same is hereby cancelled and revoked.

It is further ordered, That said cancellation and revocation of the defendant's code membership shall become effective after ten (10) days from the service of this order upon the defendant.

It is further ordered, That said cancellation and revocation of defendant's code membership shall not operate to terminate the effectiveness of any cease and desist order entered against said defendant in "In the Matter of the Clear Branch Mining Company," Docket No. 1694–FD, and that any such cease and desist order shall continue in full force and effect against the defendant upon restoration of its code membership pursuant to section 5 (c) of the Act.

It is further ordered, That in the event of the defendant's failure to pay, within ten (10) days after service of this order on the defendant, the amount of the tax required to be paid by the defendant as a condition to its reinstatement to membership in the Code, the Director may, in his discretion, vacate, revoke, cancel or annul this order and thereupon take such further steps or action in this proceeding as the Director may deem fit, and jurisdiction is hereby reserved of this proceeding for such purpose.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6089; Filed, August 18, 1941; 10:30 a. m.]

[Docket No. 1692–FD]

IN THE MATTER OF THE KENMONT COAL COMPANY, DEFENDANT

ORDER REVOKING CODE MEMBERSHIP AND PROVIDING FOR PAYMENT OF TAX FOR REINSTATEMENT

A complaint dated May 14, 1941, in the above-entitled matter having been filed by the Bituminous Coal Producers Board for District No. 8, as complainant, with the Bituminous Coal Division (the "Division"), pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging that the defendant wilfully violated the provisions of the Code and the minimum prices established thereunder, by selling, delivering, and offering for sale bituminous coal produced at the defendant's mine located at or near Jeff, Perry County, Kentucky, at prices below the effective minimum prices therefor established by the Division, as set forth in a Schedule marked "Appendix A", attached to said complaint and made a part thereof; and the complaint herein having been duly served on the defendant on May 22, 1941; and

The defendant by stipulation made June 30, 1941, the original of which is

on file with the Division, having admitted the truth of the allegations of the complaint and the facts set out in said stipulation, and having consented to the making and entry of this order; and

The defendant having, by said stipulation, expressly waived (a) notice of hearing on the complaint herein, (b) hearing on the complaint herein, (c) oral argument and the filing of briefs before the Director, Examiner or any other presiding officer, (d) oral argument before the Director, Examiner or any other presiding officer, and (e) the preparation and submission of any report, findings of fact or recommendations by the Director, Examiner, or any other presiding officer; and

The defendant having agreed by said stipulation that upon the effective date of the entry of this order, it will immediately pay to the United States Government the amount of the tax, namely five hundred sixty-six dollars and forty-eight cents ($566.48), stipulated by it to be the amount required to be paid by sections 5 (b) and (c) of the Act as a condition to its reinstatement to membership in the Code.

1. It is hereby found that:

(a) the defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio with its principal place of business located at 327 Richardson Building, Toledo, Ohio, and is now and was at the time of the occurrence of the transactions herein described, engaged under the powers granted to it by its corporate charter in the business of producing and selling bituminous coal;

(b) on June 14, 1937, defendant filed with the National Bituminous Coal Commission (the "Commission"), its acceptance dated June 11, 1937, of the Code; said acceptance was approved by the Commission to take effect as of the date of the promulgation of the Bituminous Coal Code, June 21, 1937, and defendant has been since the last-mentioned date and is now a code member in District No. 8 operating the Kenmont Mine (Mine Index No. 279), located near Jeff, Perry County, Kentucky.

(c) The Elmer Miller Coal Company ("Elmer Miller"), is a corporation organized and existing under and by virtue of the laws of the State of Ohio with its principal office located at 504 Richardson Building, Toledo, Ohio, and is engaged under the powers granted to it by its corporate charter in the business of selling and distributing coal;

(d) on July 21, 1939, pursuant to the order of the Commission dated March 24, 1939, entered in General Docket No. 12 and adopted on July 1, 1939, as an order of the Division, Elmer Miller filed with the Division its application dated July 10, 1939 for registration as a registered distributor; said application was approved by the Division on November 15, 1939 and Certificate No. 6455 was issued to Elmer Miller authorizing it to act as a registered distributor and that Elmer Miller has been ever since last-mentioned date and is now acting as a registered distributor;

(e) that pursuant to a contract dated July 18, 1939, defendant appointed said Elmer Miller as its exclusive sales agent for a period commencing July 18, 1939, and continuing until terminated by either party thereof on ten days' written notice and that said contract was filed with the Division on July 21, 1939;

(f) that Elmer Miller at all times herein mentioned owned and now owns 50½ percent of the outstanding corporate shares of stock of said defendant and controlled and now controls the corporate acts and doings of said defendant; and

(g) that all the coal involved herein was sold by said Elmer Miller as exclusive sales agent for the defendant pursuant to said sales agency agreement.

2. It is hereby further found that the defendant has wilfully violated the provisions of the Act, the Code, and the effective minimum prices established thereunder by selling, delivering and offering for sale, bituminous coal produced by the defendant at its Kenmont Mine, Mine Index No. 279, to various purchasers on the dates, in the sizes and quantities, and at the prices f. o. b. the said mine as follows:

[Each item represents one railroad car of approximately 50 tons]

Date shipped	Market area	Size sold	Selling price f. o. b. the mine	Established minimum price f. o. b. the mine
1940,				
Nov. 26	30	5 x 3	$2.00	$2.10
Dec. 27	21	5 x 3	2.10	2.20
Dec. 27	21	5 x 3	2.10	2.20
Dec. 28	15	5 x 3	2.10	2.20
Dec. 28	23	5 x 4	2.30	2.55
1941				
Jan. 9	21	5 x 4	2.20	2.55
Jan. 22	21	5 x 3	2.10	2.20
Jan. 23	102	5 x 4	2.20	2.55
Jan. 11	13	5 x 3	2.10	2.20
Mar. 19	13	5 x 3	2.10	2.20
Mar. 20	21	5 x 3	2.10	2.20
Mar. 20	98	5 x 3	1.90	1.95
Mar. 21	98	5 x 3	1.90	1.95

SUMMARY.—Total cars (of approximately 50 tons each) sold at less than Code prices, 13.

3. It is hereby further found that the amount of the tax imposed by section 5 (b) and (c) of the Act required to be paid by the defendant as a condition to its reinstatement in the Code, is Five Hundred Sixty-six Dollars and Forty-eight Cents ($566.48), which amount is 39 per cent of the effective minimum prices aggregating $1,452.50 for the coal sold in violation of the effective minimum prices, as set forth in Paragraph No. 2 hereof.

Now, therefore, based upon the above findings and upon the defendant's stipulation hereinabove described and its agreement therein contained that it will immediately upon the entry of this Order, pay to the United States Government the amount of the tax, namely, $566.48, found to be the amount required to be paid by the defendant pursuant to Section 5 (c) of the Act as a condition to its reinstatement to membership in the Code,

It is ordered, That the membership of the above named defendant in the Code be and the same is hereby cancelled and revoked.

It is further ordered, That the said cancellation and revocation of the defendant's code membership shall become effective ten (10) days after service of this Order upon the defendant.

It is further ordered, That in the event of the defendant's failure to pay the amount of the tax required to be paid by the defendant as a condition to its reinstatement to membership in the Code, within ten (10) days after service of this Order on the defendant, the Director may, in his discretion, vacate, revoke, cancel or annul this Order and thereupon take such further steps or action in this proceeding as the Director may deem fit, and jurisdiction is hereby reserved of this proceeding for such purpose.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6090; Filed, Aug. 18, 1941; 10:30 a. m.]

[Docket No. 1691-FD]

IN THE MATTER OF THE BEAVER COAL MINING COMPANY, DEFENDANT

ORDER REVOKING CODE MEMBERSHIP AND PROVIDING FOR PAYMENT OF TAX FOR REINSTATEMENT

A complaint dated May 14, 1941 in the above entitled matter having been filed by the Bituminous Coal Producers Board for District No. 8, as complainant, with the Bituminous Coal Division (the "Division"), pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, (the "Act"), alleging that the defendant wilfully violated the provisions of the Code and the minimum prices established thereunder by selling, offering for sale and delivering bituminous coal produced by the defendant at its Beaver Mine (Mine Index No. 35) located at or near Drift, Floyd County, Kentucky, at prices below the effective minimum prices established therefor as set forth in a schedule marked "Appendix A" attached to and made a part of said complaint; and

An amended complaint dated May 27, 1941 having been filed with the Division on June 2, 1941 by the complainant herein alleging wilful violation by the defendant of the Code and the effective minimum prices established thereunder by selling, offering for sale and delivering bituminous coal produced by the defendant at its said mine at less than the effective minimum prices therefor f. o. b. the mine as set forth in a Schedule marked "Appendix A" annexed to said amended complaint and made a part thereof; and

Said complaint and said amended complaint herein having, respectively, been duly served upon the defendant; and

The defendant by stipulation made June 30, 1941, the original of which is on file with the Division, having admitted the truth of the allegations of the amended complaint and the facts set out in said stipulation and having consented to the making and entry of this order; and

The defendant having, by said stipulation, expressly waived (a) notice of hearing on the complaint herein; (b) hearing on the complaint herein; (c) oral argument and the filing of briefs before the Director, Examiner or any other presiding officer; (d) oral argument before the Director, Examiner or any other presiding officer; and (e) the preparation and submission of any report, findings of fact or recommendations by the Director, Examiner or any other presiding officer; and

The defendant having agreed by said stipulation that upon the effective date of the entry of this order it will immediately pay to the United States Government the amount of the tax, namely, $4,651.24, stipulated by it to be the amount required by sections 5 (b) and (c) of the Act to be paid as a condition to its reinstatement to membership in the Code.

Now therefore pursuant to the authority vested in the Director by section 4 II (j) of the Act authorizing him to adjust the complaints of violations and to compose the differences of the parties thereto

1. It is hereby found that:

(a) the defendant at all times herein mentioned was and now is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio with its principal place of business located at 327 Richardson Building, Toledo, Ohio, engaged under the powers granted to it by its corporate charter in the business of producing and selling bituminous coal;

(b) On June 14, 1937, defendant filed with the National Bituminous Coal Commission (the "Commission"), its acceptance dated June 11, 1937 of the Code; said acceptance was approved by the Commission to take effect as of the date of the promulgation of the Bituminous Coal Code, June 21, 1937, and defendant has been since said last mentioned date and is now a code member in District No. 8 operating the Beaver Mine (Mine Index No. 35) located at or near Drift, Floyd County, Kentucky;

(c) The Elmer Miller Coal Company ("Elmer Miller"), is a corporation organized and existing under and by virtue of the laws of the State of Ohio, with its principal office located at 504 Richardson Building, Toledo, Ohio, and is engaged under the powers granted to it by its corporate charter in the business of selling and distributing coal;

(d) on July 21, 1939, pursuant to the Order of the Commission dated March 24, 1939, entered in General Docket No. 12 and adopted on July 1, 1939, as an Order of the Division, Elmer Miller filed with the Division its application dated July 10, 1939 for registration as a registered distributor; said application was approved by the Division on November 15, 1939 and Certificate No. 6455 was issued to Elmer Miller authorizing it to act as a registered distributor and that Elmer Miller has been ever since said last mentioned date and is now acting as a registered distributor;

(e) that pursuant to a contract dated August 1, 1933, defendant appointed said Elmer Miller as its exclusive sales agent for a period of ten (10) years beginning August 1, 1933, and that said contract was filed with the Division on July 21, 1939;

(f) that Elmer Miller at all times herein mentioned owned and now owns fifty and one-half (50½) per cent of the outstanding corporate shares of stock of said defendant and controlled and now controls the corporate acts and doings of said defendant; and

(g) that all the coal involved herein was sold by said Elmer Miller as exclusive sales agent for defendant pursuant to said sales agency agreement.

2. It is hereby further found that the defendant has wilfully violated the provisions of the Act, the Code and the effective minimum prices established thereunder by selling, delivering, and offering for sale, bituminous coal produced by the defendant at its Beaver Mine (Mine Index No. 35), to various purchasers on the dates, in the sizes and quantities, and at the prices f.o.b. the said mine as follows:

[Each item represents 1 railroad car of approximately 50 tons]

Date shipped	Market area	Size sold	Selling price f. o. b. the mine	Established minimum price f. o. b. the mine
1940				
Oct. 10	30	6 x 5	$2.50	$2.85
Oct. 12	15	6" Blk	2.85	2.95
Oct. 14	30	6 x 2	2.30	2.40
Oct. 14	21	6 x 5	2.50	2.85
Oct. 21	20	6 x 3	2.40	2.50
Oct. 23	13	6" Blk	2.85	2.95
Oct. 24	16	6 x 5	2.30	2.85
Oct. 25	20	6 x 4	2.40	2.75
Nov. 5	20	6 x 5	2.50	2.85
Nov. 6	15	6 x 5	2.30	2.85
Nov. 7	21	6" Blk	2.85	2.95
Nov. 9	21	6 x 3	2.40	2.50
Nov. 12	21	6 x 4	2.40	2.75
Nov. 12	21	6 x 4	2.40	2.75
Nov. 13	30	6 x 4	2.40	2.75
Nov. 14*	15	6 x 4	2.40	2.75
Nov. 16	16	6 x 4	2.30	2.75
Nov. 16	30	6" Blk	2.85	2.95
Nov. 16	23	6" Blk	2.85	2.95
Nov. 18	30	6" Blk	2.85	2.95
Nov. 18	30	6 x 4	2.40	2.75
Nov. 19	15	6" Blk	2.85	2.95
Nov. 19	20	6 x 4	2.40	2.75
Nov. 19	23	6 x 2	2.30	2.40
Nov. 20	15	6 x 2	2.30	2.40
Nov. 20	22	6" Blk	2.85	2.95
Nov. 20	15	6" Blk	2.85	2.95
Nov. 20	13	6" Blk	2.85	2.95
Nov. 22	15	6" Blk	2.85	2.95
Nov. 22	15	6" Blk	2.85	2.95
Nov. 23*	20	6 x 4	$2.50	$2.75
Nov. 25	32	6" Blk	2.85	2.95
Nov. 26	22	6 x 3	2.40	2.50
Nov. 28	20	6" Blk	2.85	2.95
Nov. 28	21	6 x 3	2.40	2.50
Nov. 28	21	6" Blk	2.85	2.95
Nov. 30	32	6" Blk	2.85	2.95
Nov. 30	15	6 x 3	2.40	2.50
Dec. 2	21	6 x 3	2.40	2.50
Dec. 2	15	6" Blk	2.85	2.95
Dec. 3	15	6" Blk	2.85	2.95
Dec. 3	30	6" Blk	2.85	2.95
Dec. 3	21	6" Blk	2.85	2.95
Dec. 4	20	6" Blk	2.85	2.95
Dec. 5	15	6" Blk	2.85	2.95
Dec. 6	30	6 x 3	2.40	2.50
Dec. 7	30	6 x 4	2.40	2.75
Dec. 10	15	6 x 4	2.30	2.75
Dec. 11	21	6 x 4	2.40	2.75
Dec. 12	15	6" Blk	2.85	2.95
Dec. 14	21	6 x 4	2.50	2.75
Dec. 17	20	6 x 3	2.40	2.50
Dec. 17	20	6 x 3	2.40	2.50
Dec. 18	23	6" Blk	2.85	2.95
Dec. 21	23	6" Blk	2.85	2.95
Dec. 21	15	6" Blk	2.85	2.95
Dec. 30	15	6 x 3	2.40	2.50
Dec. 31	18	6" Blk	2.85	2.95
1941				
Jan. 2	15	6 x 3	2.40	2.50
Jan. 2	15	6 x 3	2.40	2.50
Jan. 6	30	6 x 3	2.40	2.50
Jan. 20	23	6" Blk	2.85	2.95
Jan. 20	15	6" Blk	2.85	2.95
Jan. 23	20	6" Blk	2.85	2.95
Jan. 24	21	6 x 3	2.40	2.50
Jan. 24	15	6 x 3	2.30	2.50
Jan. 24	16	6 x 3	2.30	2.50
Jan. 24	22	6 x 3	2.40	2.50
Jan. 29	30	6 x 3	2.30	2.50
Jan. 30	20	6 x 3	2.40	2.50
Jan. 31	15	6" Blk	2.85	2.95
Jan. 31	15	6 x 3	2.30	2.50
Feb. 3	21	6" Blk	2.85	2.95
Feb. 3	21	6 x 3	2.40	2.50
Feb. 4	21	6 x 3	2.40	2.50
Feb. 6	15	5 x 3	2.30	2.40
Feb. 8	21	6" Blk	2.85	2.95
Feb. 8	30	6 x 3	2.40	2.50
Feb. 8	20	6 x 3	2.40	2.50
Feb. 10	20	6" Blk	2.85	2.95
Feb. 11	30	6" Blk	2.85	2.95
Feb. 11	21	6" Blk	2.85	2.95
Feb. 13	21	6" Blk	2.85	2.95
Feb. 20	18	6 x 3	2.40	2.50
Mar. 3	15	6 x 3	2.30	2.50
Mar. 5	15	6 x 3	2.30	2.50
Mar. 11*	15	6 x 5	2.30	2.85
Mar. 11*	15	5 x 3	2.30	2.40
Mar. 25	21	5 x 3	2.30	2.40

*=one-half cars.

SUMMARY—Total cars (of approximately 50 tons each) sold at less than the effective minimum price, 87.

3. *It is hereby further found*, That the amount of the tax imposed by section 5 (b) and (c) of the Act, required to be paid by the Defendant as a condition to its reinstatement in the Code is $4,651.24, which amount is 39 percent of the effective minimum prices aggregating $11,926.25 for the coal sold in violation of the effective minimum prices as set forth in Paragraph No. 2 hereof.

Now therefore based upon the above findings and upon the defendant's stipulation hereinabove described and its agreement therein contained, that it will immediately upon the entry of this order, pay to the United States Government the amount of the tax, namely, $4,651.24, found to be the amount required to be paid by the defendant pursuant to sec-

tion 5 (c) of the Act as a condition to its reinstatement to membership in the Code,

It is ordered, That the membership of the above-named defendant in the Code be and the same is hereby cancelled and revoked.

It is further ordered, That the said cancellation and revocation of the defendant's code membership shall become effective ten (10) days after service of this order upon the defendant.

It is further ordered, That in the event of the defendant's failure to pay the amount of the tax required to be paid by the defendant as a condition to its reinstatement to membership in the Code, within ten (10) days after service of this order on the defendant, the Director may in his discretion, vacate, revoke, cancel or annul this Order and thereupon take such further steps or action in this proceeding as the Director may deem fit, and jurisdiction is hereby reserved of this proceeding for such purpose.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6091; Filed, August 18, 1941; 10:30 a. m.]

[Docket No. 1627-FD]

IN THE MATTER OF THE ELMER MILLER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6455, DEFENDANT

ORDER OF SUSPENSION OF REGISTRATION

A Notice of and Order for Hearing having been made by the Director on May 6, 1941, pursuant to the provisions of Section 304.14 of the Rules and Regulations for the Registration of Distributors promulgated by the Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 (the "Act") to determine whether The Elmer Miller Coal Company ("Elmer Miller"), the defendant herein, has violated section 4 II (i) 8 of the Act, Rules 3 and 4 of section V, Rules 1 and 2 of section XI, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, § 304.12 (b) 2, 3, 5, and 6 of the Rules and Regulations for the Registration of Distributors and paragraphs (b), (c), (e) and (f) of the Agreement (Distributor's Agreement) executed July 10, 1939, by Elmer Miller, pursuant to an order of the National Bituminous Coal Commission (the "Commission") dated March 24, 1939, in General Docket No. 12 and adopted on July 1, 1939, as an order of the Bituminous Coal Division (the "Division") and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed; and said Notice of and Order for Hearing having been duly served on the defendant on May 9, 1941; and

The defendant, by stipulation dated August 7, 1941, the original of which is on file with the Division, (a) having admitted the truth of the allegations of fact and conclusions of law, contained in said Notice of and Order for Hearing and the facts set out in said stipulation in respect to the coal hereinafter described, being part of the coal referred to in said Notice of and Order for Hearing; (b) having consented to the making and entry of this order of suspension of registration; (c) having agreed that during said period of suspension it will not act as a registered distributor and that it will not accept or receive any discounts from the effective minimum prices as a registered distributor, either directly or indirectly, on coal purchased by it from code members during said period of suspension, for resale, and that it will not receive or accept any commissions as sales agent on coal sold during said period of suspension under any sales agency contract entered into subsequent to June 1, 1941, unless such contract shall have been approved by the Director under and for the purposes of this order and that during said period of suspension it will not negotiate or attempt to negotiate any new sales agency agreement with any producer for whom it was not acting as sales agent on June 1, 1941; (d) having further agreed that during said period of suspension it will, at all times, observe and faithfully abide by the provisions of the Act, the Marketing Rules and Regulations. the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement and all applicable orders of the Division; and (e) having expressly waived (i) a hearing pursuant to the Notice of and Order for Hearing herein; (ii) oral argument and the filing of briefs before the Director or other presiding officer; (iii) the preparation and submission of any report, findings of fact or recommendations by the Director or other presiding officer; (iv) the presentation of oral argument before the Director or other presiding officer; and (v) the preparation and submission of tentative findings of fact or proposed order by the Director.

1. It is hereby found that:

(a) defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio, with its principal place of business located at 504 Richardson Building, Toledo, Ohio, and that at all times herein mentioned, defendant was and now is engaged under the powers granted to it by its corporate charter in the business of buying, selling and distributing coal;

(b) on July 21, 1939, pursuant to the Order of the Commission, dated March 24, 1939, entered in General Docket No. 12, and adopted on July 1, 1939, as an order of the Division, defendant filed with the Division its application, dated July 10, 1939, for registration as a registered distributor, which was accompanied by defendant's Distributor's Agreement; that said application was approved by the Division on November 15, 1939, and Certificate No. 6455 was issued to the defendant authorizing it to act as a registered distributor; and that the defendant has been ever since said last mentioned date, and is now, acting as a registered distributor;

(c) pursuant to a contract dated August 1, 1933, The Beaver Coal and Mining Company ("Beaver"), a code member which operates the Beaver Mine, Mine Index No. 35, located at or near Drift, Floyd County, Kentucky, in District No. 8, appointed the defendant as its exclusive sales agent for a period of ten years beginning August 1, 1933; and that said contract was filed with the Division on July 21, 1939;

(d) pursuant to a contract dated July 18, 1939, The Kenmont Coal Company ("Kenmont"), a code member which operates the Kenmont Mine, Mine Index No. 279, located at or near Jeff, Perry County, Kentucky, in District No. 8, appointed the defendant as its exclusive sales agent for a period commencing July 18, 1939, and continuing until terminated by either party thereto on ten days written notice; and that said contract was filed with the Division on July 21, 1939;

(e) pursuant to a contract dated December 18, 1937, The Clear Branch Mining Company ("Clear Branch"), a code member which operates the Clear Branch Mine, Mine Index No. 110, located at or near Ligon, Floyd County, Kentucky, in District No. 8, appointed defendant as its exclusive sales agent for a period of ten years commencing on December 18, 1937; and that said contract was filed with the Division on July 21, 1939; and

(f) defendant at all times herein mentioned owned and now owns 50½ percent of the outstanding corporate shares of stock of Beaver, Kenmont and Clear Branch, respectively, and controlled and now controls the corporate acts and doings of each of said code members; and that defendant acted as the duly authorized sales agent of each of said code members under the above described sales contracts in the transactions herein described.

2. It is hereby further found that the defendant, The Elmer Miller Coal Company, wilfully violated the provisions of Rule 4 of section V and Rules 1 and 2 of section XI of the Marketing Rules and Regulations, § 304.12 (b) 2 and 5 of the Rules and Regulations for the Registration of Distributors, and paragraphs (b) and (e) of the Distributor's Agreement in the sale of coal by it as follows:

(a) the defendant, as sales agent for Beaver, sold and delivered during the period October 10, 1940, to March 20, 1941, both dates inclusive, approximately 4350 tons of coal produced by Beaver at its Beaver Mine, Mine Index No. 35, at prices in each instance less than the applicable minimum prices therefor;

(b) the defendant, as sales agent for Kenmont, sold and delivered during the period November 26, 1940, to March 21, 1941, both dates inclusive, approximately 650 tons of coal produced by Kenmont at its Kenmont Mine, Mine Index No. 279, at prices in each instance less than the applicable minimum prices therefor;

(c) the defendant, as sales agent for Clear Branch, sold and delivered during the period October 3, 1940, to March 20, 1941, both dates inclusive, approximately 8925 tons of coal produced by Clear Branch Mine, Mine Index No. 110, at prices in each instance less than the applicable minimum prices therefor.

3. It is hereby further found that the defendant, in reporting to the Division the transactions referred to in paragraph 2 hereof, wilfully and knowingly made and caused to be made and filed with Statistical Bureau No. 8 of the Division, false and untrue invoices in violation of section 4 II (i) 8 of the Act, Rule 3 of section V, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, § 304.12 (b) 3, 5, and 6 of the Rules and Regulations for the Registration of Distributors and paragraphs (c), (e) and (f) of the Distributor's Agreement.

Now therefore, based upon the above findings and upon the defendant's above stipulation and the agreements of the defendant therein contained, that it will not, during said period of suspension, act as a registered distributor and that it will not accept or receive any discounts from the effective minimum prices as a registered distributor, either directly or indirectly, on coal purchased by it from code members during said period of suspension, for resale; that it will not receive or accept any commissions as sales agent on coal sold during said period of suspension under any sales agency contract entered into subsequent to June 1, 1941, unless such contract shall have been approved by the Director under and for the purposes of this order and that during said period of suspension it will not negotiate or attempt to negotiate any new sales agency agreement with any producer for whom it was not acting as sales agent on June 1, 1941; and that during said period of suspension it will at all times observe and faithfully abide by the provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, and all applicable orders of the Division.

It is ordered, That the registration of The Elmer Miller Coal Company as a distributor is hereby suspended for a period of ninety (90) days from the date of service of this order upon the defendant and that the defendant, its officers, representatives, agents, servants, employees, and attorneys and all affiliates of the defendant shall be and they are hereby prohibited from acting as registered distributor during said period of suspension and from receiving or accepting any discounts from the effective minimum prices, either directly or indirectly, on coal purchased by it, them or any of them during said period of suspension for resale: *Provided, however,* That if the defendant shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five (5) days prior to the expiration of said suspension period, said suspension shall continue in full force and effect until five (5) days after the affidavit required by said § 304.15 shall have been filed with the Division.

It is further ordered, That the defendant during such period of suspension shall continue fully to observe, abide by, and remain in all respects subject to all pertinent and applicable provisions of the Act, the Bituminous Coal Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, and all applicable orders of the Division.

It is further ordered, That in the event that the defendant shall hereafter violate any of its agreements set forth in said stipulation, this matter may be reopened and such action taken and orders entered herein as to the Director may seem just and proper under the circumstances; and jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6092; Filed, August 18, 1941; 10:31 a. m.]

[Docket No. A-889]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHENT OF SPECIAL MINIMUM PRICES FOR THE COALS OF CERTAIN DISTRICT NO. 14 CODE MEMBERS LOADED IN CARS PRIOR TO APRIL 1, 1941, FOR RAIL SHIPMENTS INTO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original producer having moved that the proceedings in the above-entitled matter be dismissed, without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed, without prejudice, and that the proceedings in this docket be closed.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6093; Filed, August 18, 1941; 10:31 a. m.]

[Docket No. 1756-FD]

IN THE MATTER OF CLAUDE GALBRAITH & SON COAL COMPANY, DEFENDANT

ORDER DISMISSING COMPLAINT

The Bituminous Coal Producers Board for District No. 11, complainant herein, having moved to dismiss without prejudice the complaint heretofore filed by it herein, on the ground that certain errors existing in the complaint have come to said complainant's attention; and it appearing to the Director that it is advisable that such motion be granted;

It is hereby ordered, That the complaint heretofore filed herein be and the same is hereby dismissed without prejudice.

Dated: August 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6094; Filed, August 18, 1941; 10:31 a. m.]

[Docket No. A-957]

PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

[Docket No. A-957 Part II]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR REDUCTIONS IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 639, 392 AND 516

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-957, PART II, FROM DOCKET NO. A-957 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-957, PART II

The original petition in Docket No. A-957 filed with this Division on July 7, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, prays for the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 12. By an Order entered today in Docket No. A-957, granting temporary relief and conditionally providing for final relief, price classifications and minimum prices are established as to the coals of certain of these mines.

Among the mines included in the original petititon are the Cooper Mine (Mine Index No. 639), the Koke Koal Mine (Mine Index No. 392), and the Road Side Mine (Mine Index No. 516). It appears, however, that minimum prices have previously been established for the coals of these mines and that the minimum prices requested by petitioner are, in Size Groups 1 through 9, 3 cents per ton lower than the minimum prices previously established for said coals. The petition, in effect, seeks revisions in effective minimum prices rather than the establishment of minimum prices for previously unpriced coals. The petition does not allege sufficient facts to support such revisions without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-957 relating to Mine Index Nos. 392, 516, and 639 be, and the same hereby is, severed from the remainder of Docket No. A-957 and designated as Docket No. A-957, Part II.

It is further ordered, That a hearing in Docket No. A-957, Part II, under the applicable provisions of said Act and the

rules and regulations of the Division, be held on September 29, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose, shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1921.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 12 for revision of the effective minimum prices for the coals of the Koke Koal Mine (Mine Index No. 392), the Road Side Mine (Mine Index No. 516) and the Cooper Mine (Mine Index No. 639), by reducing the effective minimum prices applicable thereto, for truck shipment, in Size Groups 1 to 9, inclusive, in the amount of 3 cents per ton.

Dated: August 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6095; Filed, August 18, 1941; 10:32 a. m.]

[Docket No. A-717]

PETITION OF THE CONSUMERS' COUNSEL REQUESTING THAT THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR "INDUSTRIAL" COALS PRODUCED IN DISTRICT 8 BE MADE APPLICABLE TO DISTRICT 8 COALS SOLD TO THE CITY OF TIFTON, GEORGIA

[Docket No. A-718]

PETITION OF THE CONSUMERS' COUNSEL REQUESTING THAT THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR "INDUSTRIAL" COALS PRODUCED IN DISTRICT 8 BE MADE APPLICABLE TO DISTRICT 8 COALS SOLD TO WILLETT DISTILLING COMPANY, BARDSTOWN, KENTUCKY

[Docket No. A-719]

PETITION OF THE CONSUMERS' COUNSEL REQUESTING THAT THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR "INDUSTRIAL" COALS PRODUCED IN DISTRICT 8 BE MADE APPLICABLE TO DISTRICT 8 COALS SOLD TO W. G. DRESSEL, DOING BUSINESS AS THE DRESSEL CLAY WORKS, CONVOY, OHIO

[Docket No. A-734]

PETITION OF THE CONSUMERS' COUNSEL DIVISION ON BEHALF OF THE HOFFMAN DISTILLING COMPANY, REQUESTING THAT BOTH TEMPORARY AND PERMANENT ORDERS BE ENTERED TO THE EFFECT THAT MINIMUM F. O. B. MINE PRICES ESTABLISHED FOR "INDUSTRIAL" COAL ALSO APPLY TO COALS PURCHASED BY HOFFMAN DISTILLING COMPANY

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER: AND DENYING RELIEF

The original petitions in these matters were filed by the Consumers' Counsel Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the effective minimum prices established for "industrial" coal produced in District 8 be made applicable to to District 8 coals sold to the following consumers: City of Tifton, Georgia; Willett Distilling Company, Bardstown, Kentucky; W. G. Dressel, doing business as the Dressel Clay Works, Convoy, Ohio, and Hoffman Distilling Company, Lawrenceburg, Kentucky.[1]

District Board 7 intervened in opposition to the relief prayed for.

Pursuant to orders and notices of hearing issued by the Director and after due notice to all interested parties, a public hearing was held in these matters before Floyd McGown, an Examiner of the Division duly designated by the Director to conduct said hearing, on March 27, 1941.

The Examiner submitted Proposed Findings of Fact and Conclusions of Law in these matters dated June 25, 1941, and an opportunity was afforded to all parties to file Exceptions thereto and supporting briefs.

[1] Hoffman Distilling Company requested the same relief as to "industrial" coals from Districts 7 and 9.

Consumers' Counsel filed Exceptions to to the Proposed Findings of Fact and Conclusions of Law of the Examiner.

In the exceptions filed by the Consumers' Counsel, it is contended that the evidence offered was sufficient to meet the burden of proof cast upon the petitioner. The only evidence introduced was ex parte affidavits as to which cross-examination was not available.

In support of its position Consumers' Counsel have referred to the case of *Channan Singh* v. *Hoff*, 103 F (2d) 303 (C. C. A. 9th 1939). This was an application for a writ of habeas corpus for the release of an alien held under a deportation order. The authority is not applicable for the reason that habeas corpus proceedings in such matters are collateral and the court will not, as stated in the Opinion, re-evaluate the evidence. (See *United States ex rel. Vajtauer*, v. *Commissioner of Immigration*, 273 U. S. 103 (1927)).

On the basis of the above Opinion and for reasons stated therein, I conclude that the said Proposed Findings of Fact and Conclusions of Law based thereon should be approved and adopted as Findings of Fact and Conclusions of Law of the Director.

It is therefore ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That the relief prayed for by the original petition in behalf of the City of Tifton, Georgia; Willett Distilling Company, Bardstown, Kentucky; W. G. Dressel, doing business as the Dressel Clay Works, Convoy, Ohio; and the Hoffman Distilling Company, Lawrenceburg, Kentucky, be and the same hereby is denied.

Dated: August 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6096; Filed, August 18, 1941; 10:32 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE TEXTILE INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Administrator of the Wage and Hour Division of this Department having by order of June 13, 1941, established a minimum wage rate pursuant to authority of the Act of June 25, 1938, Public No. 718, 75th Congress (52 Stat. 1064; 29 U.S.C. Sup. IV 208), entitled "An Act to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes," otherwise known as the Fair Labor Standards Act of 1938, which wage

rate is not less than 37.5 cents per hour to be paid under Section 6 of the said Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Textile Industry, and

Evidence having been presented to me that substantially all members of the Textile Industry are engaged in commerce or in the production of goods for commerce, as that term is defined in the said Act, and it therefore appearing that the aforementioned wage order has had the effect of establishing 37.5 cents per hour as the prevailing minimum wage in the Textile Industry,

Notice is hereby given to all interested parties that they are allowed until August 30, 1941, to show cause, if any they have, why the Secretary of Labor should not make a determination pursuant to the provisions of section 1 (b) of the Act of June 30, 1936, Public No. 846, 74th Congress (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act, that the prevailing minimum wage for persons employed in the Textile Industry is 37.5 cents per hour or $15.00 per week of forty hours, this determination to be effective and the minimum wage thereby established to apply to all contracts awarded by agencies of the United States on and after the date specified therein, subject to the provisions of the aforementioned Act of June 30, 1936, contemplating any of the following:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, luncheloths and napkins; towels; and window curtains;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

This proposed determination shall conclude proceedings previously instituted by this Department, pursuant to the Walsh-Healey Public Contracts Act, in the matter of the determination of the prevailing minimum wages in the Surgical Dressings Industry.

Communications regarding this matter should be addressed to the Administrator, Division of Public Contracts, U. S. Department of Labor, Washington, D. C. An original and four copies should be filed.

Dated: August 16, 1941.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-6101; Filed, August 18, 1941; 10:43 a. m.]

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE EVAPORATED MILK INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

At the direction of the Secretary of Labor and for the purposes of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act, a public hearing was held before the Public Contracts Board (created in accordance with the provisions of section 4 of said Act by Administrative Order dated October 6, 1936), on October 28, 1938 and continued on November 18, 1938 in the matter of the prevailing minimum wages in the manufacture of evaporated and condensed milk. Notice of the hearing was sent to all manufacturers of those commodities listed in recognized commercial registers, to interested labor organizations, trade associations, and all other known interested parties.

On the basis of the evidence presented at the hearing, the Board made and submitted its findings and recommendation, which were circularized on February 24, 1940 by the Assistant Administrator of the Division of Public Contracts, Department of Labor, to afford parties an opportunity to register objection or approval before a decision was made by the Secretary of Labor.

The Board recommended to the Secretary of Labor that the minimum wages in the manufacture or supply of evaporated milk be determined to be as follows:

(1) 50 cents an hour, or $20.00 per week of 40 hours, arrived at either upon a time or piecework basis in the States of Washington, Oregon, and California;

(2) 40 cents an hour, or $16.00 per week of 40 hours, arrived at either upon a time or piecework basis in the States of Idaho, Montana, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, North and South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, and Ohio;

(3) 32.5 cents an hour, or $13.00 per week of 40 hours, arrived at either upon a time or piecework basis in the remaining States and the District of Columbia.

The Board excluded condensed milk from the scope of its recommendation for the reason that the Government has not purchased condensed milk in the last twenty years and will probably not do so in the future, and dry milk for the reason that it was not included in the subject of the hearing.

In view of the possibility that the wage structure of the Evaporated Milk Industry has experienced a change since the hearing held before the Public Contracts Board,

Notice is hereby given to all interested persons of the opportunity to show cause, on or before August 30, 1941, why the Secretary of Labor should not adopt the recommendation of the Board and determine the aforementioned wage rates to be the presently prevailing minimum wages in the Evaporated Milk Industry, such determination to be effective and the minimum wages therein established to apply to all contracts awarded by agencies of the United States on and after the date specified therein, subject to the provisions of the aforementioned Act of June 30, 1936, for the manufacture and supply of evaporated milk.

All communications should be addressed to the Administrator, Division of Public Contracts, U. S. Department of Labor, Washington, D. C. An original and four copies should be filed.

Dated: August 16, 1941.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-6100; Filed, August 18, 1941; 10:42 a. m.]

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment

of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective August 18, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Art-Togs, Inc., 624 North Seventh Street, Allentown, Pennsylvania; Apparel; Washable Service Apparel; 33 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Ashland Shirt and Pajama Company, Inc., Chestnut Street, Ashland, Pennsylvania; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); August 18, 1942.

Berkshire Manufacturing Company, Brookside Avenue, Chatham, New York; Apparel; Women's Cotton Utility Garments; 36 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Capital Manufacturing Company, Inc., 212 East Eighth Street, Los Angeles, California; Apparel; Men's Neckwear; 5 percent (75% of the applicable hourly minimum wage); March 20, 1942.

Carter and Churchill Company, 15 Parkhurst Street, Lebanon, New Hampshire; Apparel; Sport and Ski Jackets, Ski Pants, Mackinaws, Snow Suits; 15 learners (75% of the applicable hourly minimum wage); November 27, 1941. (Omitted from FEDERAL REGISTER of August 14, 1941.)

Clover Brassiere Company, 31 East 31st Street, New York, New York; Apparel; Corsets & Brassieres; 3 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Elite Neckwear Company, Inc., 106 Essex Street, Boston, Massachusetts; Apparel; Men's Neckwear; 2 learners (75% of the applicable hourly minimum wage); August 18, 1942.

Even-Pul Foundations, Incorporated, 135 Madison Avenue, New York, New York; Apparel; Foundation Garments; 8 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Even-Pul Foundations, Incorporated, 321 Main Street, East Rutherford, New Jersey; Apparel; Foundation Garments; 10 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Mr. Moe Feldman, 1015 Clinton Street, Hoboken, New Jersey; Apparel; Ladies' Underwear; 35 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Golden Crown Shirt Company, 230 North Seventh Street, Bangor, Pennsylvania; Apparel; Shirts and Blouses; 5 percent (75% of the applicable hourly minimum wage); December 1, 1941.

Gracette Manufacturing Company, Inc., 308 Ontario Street, Cohoes, New York; Apparel; Nightgowns, Pajamas, Housecoats; 15 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Grinnell Pajama Corporation, Kilburn Street, New Bedford, Massachusetts; Apparel; Nightgowns and Pajamas; 27 learners (75% of the applicable hourly minimum wage); December 15, 1941.

The Hercules Trouser Company, Hillsboro, Ohio; Apparel; Single Pants; 100 learners (75% of the applicable hourly minimum wage); December 15, 1941.

The Hercules Trouser Company, Hillsboro, Ohio; Apparel; Single Pants; 5 percent (75% of the applicable hourly minimum wage); August 18, 1942.

Jaco Pants Company, Inc., Railroad Street, Statham, Georgia; Apparel; Pants; 57 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Jolly Kids Garment Company, Inc., Kalamazoo, Michigan; Apparel; Infants' & Children's Garments; 35 learners (75% of the applicable hourly minimum wage); December 1, 1941.

The Kaynee Company, 6925 Aetna Road, Cleveland, Ohio; Apparel; Shirts, Pajamas, Boys' Wash Suits; 5 percent (75% of the applicable hourly minimum wage); August 18, 1942.

Kiddies Pal, Inc., 1333 Broadway, New York, New York; Apparel; Washable Infants' Dresses, Washable Infants' Boys' Suits; 8 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Lansdale Shirt Factory, 526 S. Broad Street, Lansdale, Pennsylvania; Apparel; Men's Shirts & Shorts; 15 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Lark Dress Company, Fifth and Walnut Streets, Shamokin, Pennsylvania; Apparel; Dresses & Blouses; 40 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Louis Lewin Company, 1108 South Fourth Street, Clinton, Indiana; Apparel; Work Clothing; 25 learners (75% of the applicable hourly minimum wage); November 27, 1941. (Omitted from FEDERAL REGISTER of August 14, 1941.)

McCurrach Organization, Inc., 1873 Eastern Parkway, Brooklyn, New York; Apparel; Ties, Scarfts, Mufflers; 5 percent (75% of the applicable hourly minimum wage); August 14, 1942. (Omitted from FEDERAL REGISTER of August 14, 1941).

The Manhattan Shirt Company, 207 River Street, Paterson, New Jersey; Apparel; Men's Shirts, Men's Dress Shirts, Men's Underwear; 5 percent (75% of the applicable hourly minimum wage); August 18, 1942.

Maytime Dress Company, 1431 Capouse Avenue, Scranton, Pennsylvania; Apparel; Dresses; 20 learners (75% of the applicable hourly minimum wage); December 15, 1941.

The Neatform Company, Inc., 635 Sixth Avenue, New York, New York; Apparel; Girdles, Brassieres, Corselettes; 5 percent (75% of the applicable hourly minimum wage); December 15, 1941.

New England Overall Company, Elm Street, Nashua, New Hampshire; Apparel; Overalls, Dungarees; 15 learners (75% of the applicable hourly minimum wage); December 15, 1941.

New Mode Company, 618–620 Cherry Street, Philadelphia, Pennsylvania; Apparel; Ladies' Dresses; 15 learners (75% of the applicable hourly minimum wage); December 11, 1941. (Omitted from FEDERAL REGISTER of August 14, 1941).

Nightingale Manufacturing Company, Inc., Chestnut Street, Allentown, Pennsylvania; Apparel; Children's Pajamas; 6 learners (75% of the applicable hourly minimum wage); December 15, 1941.

M. Nirenberg Sons, Inc., Fair Haven, Vermont; Apparel; Shirts; 25 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Northampton Pants Company, 222 East St. Joseph Street, Easton, Pennsylvania; Apparel; Men's Trousers; 5 percent (75% of the applicable hourly minimum wage); August 18, 1942.

Perfect Brassiere Company, Inc., 521 East Fourth Street, Bethlehem, Pennsylvania; Apparel; Brassieres; 20 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Piedmont Spread Company, Wall Street, Cartersville, Georgia; Apparel; Chenille Robes; 50 learners (75% of the applicable hourly minimum wage); December 1, 1941.

Pinckneyville Manufacturing Company, Pinckneyville, Illinois; Apparel; Dresses;

5 percent (75% of the applicable hourly minimum wage); August 18, 1942. (This certificate replaces one issued effective December 12, 1940, to Kearns Brothers, Inc., Predecessors.)

Rosedale Manufacturing Company, Inc., 202 East Main Street, Pen Argyl, Pennsylvania; Apparel; Cotton Dresses; 15 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Rosen Shirt Manufacturing Company, Fifth and Juniper Streets, Quakertown, Pennsylvania; Apparel; Men's Dress Shirts; 5 percent (75% of the applicable hourly minimum wage); August 18, 1942.

Royal Trouser Manufacturing Company, 37 Chestnut Street, Norwich, Connecticut; Apparel; Pants; 25 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Royal Undergarment Company, Inc., Cohoes, New York; Apparel; Women's Undergarments; 44 learners (75% of the applicable hourly minimum wage); December 1, 1941.

Samette Manufacturing Company, 1702 Hanover Avenue, Allentown, Pennsylvania; Apparel; Ladies' Slips; 10 percent (75% of the applicable hourly minimum wage); August 14, 1942. (Omitted from FEDERAL REGISTER of August 14, 1941.)

Sel-Mor Garment Company, Inc., 923 Washington Avenue, Saint Louis, Missouri; Apparel; Underwear; 50 learners (75% of the applicable hourly minimum wage); December 1, 1941.

Shulman and Hyman, 542 Palisade Avenue, Jersey City, New Jersey; Apparel; Children's Cloth Hats and Caps; 7 learners (75% of the applicable hourly minimum wage); October 27, 1941.

Smith Company, 15 East 30th Street, New York, New York; Apparel; Ladies' Nightgowns; 5 learners (75% of the applicable hourly minimum wage); November 27, 1941. (Omitted from FEDERAL REGISTER of August 14, 1941.)

Sonnenberg and Silver Company, 232 Market Street, Philadelphia, Pennsylvania; Apparel; Dresses, Jackets & Skirts; 25 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Steingut Dress Company, Center and White Streets, Dupont, Pennsylvania; Apparel; Dresses; 60 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Stuart Keith Manufacturing Company, Brown and Pine Streets, Petersburg, Virginia; Apparel; Pants, Jackets, Worksuits; 10 percent (75% of the applicable hourly minimum wage); November 10, 1941.

Van Deusen Dress Manufacturing Company, 109 East Main Street, Cobleskill, New York; Apparel; Children's Dresses; 5 learners (75% of the applicable hourly minimum wage); August 18, 1942.

The Vanity Silk Underwear Company, 208 St. Clair Avenue, N. W., Cleveland, Ohio; Apparel; Ladies' Underwear; 4 learners (75% of the applicable hourly minimum wage); August 18, 1942.

Watertown Undergarment Corporation, 196 Mill Street, Waterbury, Connecticut; Apparel; Ladies' Undergarments; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Westbury Cravat Company, Inc., 53 Hope Street, Brooklyn, New York; Apparel; Men's Neckwear; 20 learners (75% of the applicable hourly minimum wage); November 10, 1941.

Apex Florists' Supply Company, 921–923 N. 5th Street, Philadelphia, Pennsylvania; Artificial Flowers and Feathers; 5 learners; September 26, 1941. (This certificate dated August 15, 1941.)

Aronson-Caplin Company, Inc., 659 North Thirteenth Street, Easton, Pennsylvania; Apparel; Women's Undergarments; 5 percent (75% of the applicable hourly minimum wage); December 2, 1941.

General Glove Company, Inc., 237 Jefferson Street, Martins Ferry, Ohio; Gloves; Work Gloves; 25 learners; February 18, 1942.

Miller-White Hosiery Mills, Taylorsville, N. C.; Hosiery; Seamless Hosiery; 5 learners; August 18, 1942.

LaRose Underwear Company, Inc., 45 West 8th Street, New York, New York; Knitted Wear; Knitted Underwear; 60 learners; December 18, 1941. (Omitted from FEDERAL REGISTER of August 14, 1941.)

Stratford Knitting Mills, Linfield, Pennsylvania; Knitted Wear; Knitted Underwear; 7 learners; December 1, 1941.

Diamond Braiding Mills, Inc., 181 East 16th Street, Chicago Heights, Illinois; Textile; Braided Shoe Laces; 15 learners; November 17, 1941.

Groves Thread Company, Inc., Gastonia, North Carolina; Textile; Cotton Threads; 3 percent; August 14, 1942. (Omitted from FEDERAL REGISTER of August 14, 1941.

Mathews Cotton Mill, Greenwood, South Carolina; Textile; Cotton & Spun Rayon Cloth; 20 learners; August 18, 1942.

N. A. Textile Corporation, Whitman Mill No. 2, New Bedford, Massachusetts; Textile; Bedspreads; 10 learners; December 15, 1941.

Small Brothers Manufacturing Company, 37 Hillside Street, Fall River, Massachusetts; Textile; Braids; 3 percent; August 18, 1942.

Signed at Washington, D. C., this 18th day of August 1941.

HAROLD W. STEIN,
Authorized Representative of the Administrator.

[F. R. Doc. 41–6106; Filed, August 18, 1941; 11:51 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective August 18, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Barr Rubber Products Company, 1531 First Street, Sandusky, Ohio; Latex Balloons, Sponge Balls; 16 learners; 6 weeks for any one learner; 30 cents per hour; Balloon printer and packer, Small sponge threader and packer; February 18, 1942.

Camark Pottery, Pottery Road, Camden, Arkansas; Art Pottery; 1 learner; 8 weeks for any one learner; 25 cents per hour; Dipper; December 22, 1941.

Hollywood Camera Exchange, Ltd., 1600 N. Cahuenga Boulevard, Hollywood, California; 2 learners; 8 weeks for any one learner; 25 cents per hour; Photographic Equipment Machinist; October 27, 1941.

Protex Products Company, 61 Bishop Street, Jersey City, New Jersey; Specialties of Pliofilm, Cellophane, Paper, i. e. Bags, Shower Curtains, Aprons, Shoulder Covers; 10 percent; 6 weeks (240) hours for any one learner; 30 cents per hour; Sewing Machine Operator; March 4, 1942.

Julius Schmid, Inc., Little Falls, New Jersey; Prophylactics, Nipples; 30 learners; 240 hours for any one learner; 35 cents per hour; Testing, Packing; October 13, 1941.

Joseph Sidor, 9 Grand Street, Garfield, New Jersey; Embroidery; Hand Machine Embroidery on Handkerchiefs; 2 learners; 6 weeks for any one learner; 28 cents per hour; Spanner-Helper; February 18, 1942.

R. G. Sullivan, Incorporated, 114 W. Central Street, Manchester, New Hampshire; Cigars; 10 learners; 160 hours for any one learner; 25 cents per hour; Handstripping; February 18, 1942.

The Tewa Weaving Company, Isleta, New Mexico; Weaving of Hand Fabrics to Make Neckties; 5 learners; 960 hours for any one learner; 22½ cents per hour; Weaver, Hand Thrown Shuttle Looms; March 2, 1941.

The Tewa Weaving Company, Isleta, New Mexico; Weaving of Hand Fabrics

to Make Neckties; 7 learners; 12 weeks for any one learner; 22½ cents per hour; Hand Sewer, Presser; December 8, 1941.

S. Weisbrod Lampshade Company, S. W. Cor. 12th and Brown, Philadelphia, Pennsylvania; Portable Lamps and Shades; Lamp Shades; 5 learners; 320 hours for any one learner; 35 cents per hour; Lamp Shade Sewing; August 14, 1942. (Omitted from FEDERAL REGISTER of August 14, 1941.)

J. F. Whitaker Cigar Company, 661 S. 4th Street, E. Salt Lake City, Utah; Cigars; 4 learners; 6 months for any one learner; 75% of the applicable minimum; Hand Cigar Making; August 18, 1942.

George Zifferblatt and Company, 271–79 S. 3rd Street, Philadelphia, Pennsylvania; Cigars; 10 percent of productive factory employees; 8 weeks for any one learner; 75% of the applicable minimum; Cigar Machine Operating, Cigar Packing; August 18, 1942.

Signed at Washington, D. C., this 18th day of August 1941.

HAROLD W. STEIN,
Authorized Representative of the Administrator.

[F. R. Doc. 41–6107; Filed, August 18, 1941; 11:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5006]

NOTICE RELATIVE TO CUYAHOGA VALLEY BROADCASTING COMPANY (NEW)

Application dated August 13, 1937, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 1270 kc. (1300 kc. NARBA); Power, 1 kw. day; hours of operation, Daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed station.

2. To obtain full information with respect to the relationships existing between M. F. Rubin and the licensees of Stations WJW and WMAN.

3. To determine the areas and populations now receiving interference-free primary service from Stations WJW and WMAN which would receive similar service from the station proposed herein.

4. To determine the type and character of the program service which applicant may be expected to render, and the extent to which such service is now being rendered by any other station or stations serving the proposed service area in whole or in part.

5. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the grant of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Cuyahoga Valley Broadcasting Co., % W. I. Booth, 1017 Euclid Avenue, Cleveland, Ohio.

Dated at Washington, D. C., August 14, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–6060; Filed, August 16, 1941; 10:43 a. m.]

[Docket No. 6154]

NOTICE RELATIVE TO WESTINGHOUSE RADIO STATIONS, INC. (WOWO)

Application dated October 31, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Fort Wayne, Ind.; operating assignment specified: Frequency, 1190 kc.; power, 50 kw. (DA-Day and Night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service, as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

2. To determine whether the operation of Station WOWO at the proposed transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 mv/m contour).

3. To determine the extent of any interference which would result from the simultaneous operation of Station WOWO as proposed and Station WHAM.

4. To determine the areas and populations which may be expected to lose interference-free primary service, particularly from Station WHAM, as a result of the operation of Station WOWO as proposed, and what other broadcast service is available to these areas and populations.

5. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of Station WOWO as proposed, and what other broadcast service is available to these areas and populations.

6. To determine the extent of any interference which would result from the simultaneous operation of Station WOWO as proposed and Station XELO, Mexico.

7. To determine whether the granting of this application would be consistent with the provisions of the North American Regional Broadcasting Agreement.

8. To determine the areas and populations now receiving interference-free primary service from Station WGL which would receive similar service from Station WOWO as proposed.

9. To determine the character of the program service which applicant may be expected to render and the extent to which such service is now being rendered by any other station or stations serving the proposed service area in whole or in part.

10. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, and necessity would be served by a grant of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Westinghouse Radio Stations, Inc., Radio Station WOWO, Broadcasting Headquarters, 1619 Walnut Street, Philadelphia, Pa.

Dated at Washington, D. C. August 14, 1941.

By the Comission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–6061; Filed, August 16, 1941; 10:43 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5726]

IN THE MATTER OF MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

AUGUST 14, 1941

Notice is hereby given that on August 14, 1941, an application was filed with the

Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities business in the States of Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the merger or consolidation of its facilities with that part of the facilities of Mountain States Power Company, a corporation organized under the laws of the State of Delaware, with its principal business office at Albany, Oregon, located exclusively within Fallon and Custer Counties and distributing electricity in Baker, Plevna, and Ismay, Montana, for a consideration of $95,000.00; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 29th day of August, 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-6055; Filed, August 16, 1941; 9:53 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE COMMISSION OF LABOR AND INDUSTRIAL RELATIONS OF THE TERRITORY OF HAWAII PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Commission of Labor and Industrial Relations of the Territory of Hawaii having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Hawaii unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Commission of Labor and Industrial Relations of the Territory of Hawaii.

[SEAL] A. J. ALTMEYER,
Chairman.

AUGUST 8, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

AUGUST 14, 1941.

[F. R. Doc. 41-6056; Filed, August 16, 1941; 9:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-189]

IN THE MATTER OF ITALIAN SUPERPOWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of sections 17 (b), 23 (c) (3), and 6 (c) of the Investment Company Act of 1940 for an order granting an exemption from the provisions of sections 17 (a) (1) and (2) and 23 (c) (3) of said Act so as to permit the transfer to applicant of $1,110,000 in United States currency, $3,870,000 principal amount of applicant's thirty-five year 6% gold debentures due 1963, and 50,000 shares of applicant's $6 accumulative preferred stock from Instituto Ricostruzione Industriale, an affiliated person of applicant, and the transfer by applicant to said Instituto Ricostruzione Industriale of 21,000,000 lire from applicant's blocked lire balances in Italy and the following securities now owned by applicant but physically located in Italy: 358,000 shares of Meridionale Electric Company, 100,000 shares of General Electric Company of Sicily, 183,795 shares of General Italian Edison Electric Company, 82,707 shares of Volta Company, 21,347 shares of Class "B" stock of The Central Company for the Financing of Electrical Enterprises, and 50,272 shares of Selt-Valdarno Electric Company;

It is ordered, That a hearing on the matter of the application of the above named applicant under the applicable provisions of said Act and the Rules of the Commission for an exemption from the provisions of sections 17 (a) (1) and (2) and 23 (c) (3) of the Investment Company Act of 1940 be held on August 23, 1941 at 9:45 o'clock in the forenoon of that date in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That William W. Swift, Esquire, or any other officer or officers of the Commission designated for that purpose, shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons concerned or to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6065; Filed, August 16, 1941; 11:31 a. m.]

[File No. 812-19]

IN THE MATTER OF SCOTTISH TYPE INVESTORS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

An application having been filed by the Scottish Type Investors, Inc., a registered investment company, for an order granting an exemption from all of the provisions of the Act under section 6 (c) of the Investment Company Act of 1940.

It is ordered, That a hearing on the matter of the application of the above named applicant under the applicable provisions of said Act and the rules of the Commission for exemption from all of the provisions of the Investment Company Act of 1940 be held on August 26, 1941 at 10:15 o'clock in the forenoon of that date in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated for that purpose, shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons concerned or to any person or persons whose participation in such proceedings may be in the

public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6066; Filed, August 16, 1941; 11:31 a. m.]

[File No. 811-191]

IN THE MATTER OF SECOND INVESTORS CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

The Second Investors Corporation, a registered closed-end management investment company, having duly filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company and canceling its registration:

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on August 22, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6067; Filed, August 16, 1941; 11:31 a. m.]

[File No. 812-187]

IN THE MATTER OF AMERICAN SECURITIES SHARES

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

American Securities Shares, a registered open-end management investment company having duly filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the registration requirements of section 8 (b) of the Act:

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on August 22, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6068; Filed, August 16, 1941; 11:32 a. m.]

IN THE MATTER OF EMPIRE AMERICAN SECURITIES CORPORATION

[File No. 812-15]

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

An application having been filed by the Empire American Securities Corporation, a registered investment company, for an order granting an exemption from all of the provisions of the Act under section 6 (c) of the Investment Company Act of 1940.

It is ordered, That a hearing on the matter of the application of the above named applicant under the applicable provisions of said Act and the rules of the Commission for exemption from all of the provisions of the Investment Company Act of 1940 be held on August 26, 1941 at 10:00 o'clock in the forenoon of that date in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated for that purpose, shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons concerned or to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6069; Filed, August 16, 1941; 11:32 a. m.]

[File No. 70-383]

IN THE MATTER OF TRACY DEVELOPMENT COMPANY AND NEW YORK STATE ELECTRIC & GAS CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

Notice is hereby given that an application and declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested party may not later than August 29, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested parties are referred to said application and declaration which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Tracy Development Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company, proposes to sell all its property, real, personal and mixed, to New York State Electric & Gas Corporation, an associate company. The consideration to be paid by the latter is

the nominal consideration of one dollar plus the assumption of the First Mortgage Six Percent Gold Bonds, due October 1, 1944, of Tracy Development Company, which, as of July 31, 1941, were outstanding in the principal amount of $114,000. At the present time New York State Electric & Gas Corporation guarantees the payment of the principal and interest on the oustanding bonds of Tracy Development Company. It is indicated that the sale of the property of Tracy Development Company will permit the elimination of its corporate entity.

Applicant and declarant have indicated Section 12 (f) and section 7 of the Act and Rule U–43 as being applicable to said transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–6070; Filed, August 16, 1941; 11:33 a. m.]

[File No. 811–192]

IN THE MATTER OF NARRAGANSETT SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

The Narragansett Securities Corporation, a registered closed-end management investment company, having duly filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company and canceling its registration:

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on August 22, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–6071; Filed, August 16, 1941; 11:33 a. m.]

[File No. 70–364]

IN THE MATTER OF WISCONSIN POWER AND LIGHT COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

Wisconsin Power and Light Company, a subsidiary of North West Utilities Company, a registered holding company in The Middle West Corporation holding company system, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, and Rules U-23 and U-50 thereunder, regarding the issue and sale of $30,000,000 principal amount of its First Mortgage Bonds, Series A, 3¼% due August 1, 1971 and $3,000,000 principal amount of 2¼%, 2¾% and 3% unsecured notes, and the redemption of $33,000,000 principal amount of its outstanding First Mortgage Bonds, Series A, 4%, due June 1, 1966, funds for such redemption being provided by the issue and sale of the securities above described, together with other funds of the applicant;

Pursuant to the Commission's Rule U-50 of the General Rules and Regulations under the Act, the Company will publicly invite proposals for the purchase of the bonds;

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That said application, as amended, be and the same is hereby granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24, and to the condition that the applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby.

By the Commission, Chairman Eicher, Commissioners Healy and Pike (Commissioners Burke and Purcell being absent and not participating therein).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–6072; Filed, August 16, 1941; 11:34 a. m.]

[File No. 70–385]

IN THE MATTER OF STANLEY CLARKE, TRUSTEE OF ASSOCIATED GAS AND ELECTRIC COMPANY, AND DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1941.

Notice is hereby given that an application and declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested party may not later than August 23, 1941, at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested parties are referred to said application and declaration which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The applicant and declarants propose to acquire certain securities and other assets, including securities of Associated Gas and Electric Company, Associated Gas and Electric Corporation and of certain direct and indirect subsidiaries of said companies and affiliated companies, pursuant to an agreement dated August 4, 1941, constituting, among other things, a settlement of the claims of applicants and declarants and of all direct and indirect subsidiaries of Associated Gas and Electric Corporation against Howard C. Hopson, Amy H. Starch, Pearle M. Hopson, Norma H. Jones and the so-called Hopson service and investment companies. Applicants will hold and administer or liquidate the said securities and other assets (except the assets to be transferred, paid over and delivered by applicants at and as a part of the Settlement Agreement closing to New England Gas and Electric Association, as provided in Paragraph 39 (b) of the Settlement Agreement) under the direction and subject to the jurisdiction of the United States District Court for the Southern District of New York and such regula-

tory bodies as have jurisdiction, and, after payment therefrom of expenses of investigation, litigation, negotiation and settlement and recovery, preservation, administration, liquidation and distribution, the applicants and declarants propose to marshall and distribute or allocate the said securities and other assets or the net proceeds thereof, with the approval of the Reorganization Court and such regulatory bodies as have jurisdiction, to or among the Associated Gas and Electric Company Trustee, the Associated Gas and Electric Corporation Trustee, and subsidiaries of Associated Gas and Electric Corporation or one or more of them, as their interests may be determined by subsequent agreement, judicial proceedings, arbitration, or other manner.

Applicants and declarants have indicated sections 9 (a), 9 (c) (3) and 12 (c) of the Act as possibly being applicable to said transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6102; Filed, August 18, 1941; 11:28 a. m.]

[File No. 1-2600]

IN THE MATTER OF PIRELLI COMPANY OF ITALY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the American Shares Representing 500 Lire Par Capital Stock, Series A, of Pirelli Company of Italy; and

The Commission having ordered that a hearing be held in this matter on August 20, 1941, in New York, New York; and

The applicant having amended its application to include the 500 Lire Par Capital Stock, Series A, of Pirelli Company of Italy; and

It being found necessary to postpone said hearing;

It is ordered, That said hearing be postponed until 10 a. m. on Wednesday, September 3, 1941, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6103; Filed, August 18, 1941; 11:29 a. m.]

[File No. 70-379]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, AND LYNCHBURG TRACTION & LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16 day of August, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than August 28, 1941, at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Lynchburg Traction & Light Company, a non-utility subsidiary of Consolidated Electric and Gas Company, a registered holding company, proposes to change its common stock from $50 par value per share to $11 par value per share. Consolidated Electric and Gas Company proposes to surrender to Lynchburg Traction & Light Company for cancellation as a capital contribution $67,500 of note indebtedness held by it. The foregoing transactions are being undertaken to create a capital surplus adequate for the purpose of eliminating a deficit in the earned surplus account, part of which presently exists and the remainder resulting from writing off a substantial amount of abandoned street railway property.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6105; Filed, August 18, 1941; 11:29 a. m.]

[File No. 70-355]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY, GARY HEAT, LIGHT & WATER COMPANY, GARY ELECTRIC AND GAS COMPANY, AND CLARENCE SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

A declaration or application (or both) having been filed with this Commission by the above-named parties pursuant to the Public Utility Holding Company Act of 1935 and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise provided by Rule 23 under said Act; and

The said declaration or application concerning the following: 1. Northern Indiana Public Service Company ("Northern Indiana") proposes to purchase from Gary Electric and Gas Company ("Gary Electric") all the common capital voting stock of Gary Heat, Light & Water Company ("Gary Heat") for a consideration of $10,066,000 payable not less than $7,042,000 in cash and the balance by the issuance and delivery by Northern Indiana to Gary Electric of 370,700 shares of the no par common voting stock of Northern Indiana; provided that Gary Electric shall be given the option of requiring an additional cash payment not in excess of $756,000 and in case of such additional cash payment the number of shares of Northern Indiana common stock to be delivered to Gary Electric will be decreased in the number determined by dividing the additional cash payment by $8.1575 and by taking as the quotient the next whole number.

2. Concurrently with the payment by Northern Indiana to Gary Electric, Gary Electric will deposit with the Trustees under the indenture securing its First Lien Collateral 5% Bonds, Series A, due July 1, 1944 a sum sufficient to redeem and pay all of said bonds aggregating $7,042,000 principal amount.

3. Gary Electric proposes to: (a) reduce its capital from $5,000,000 to $2,000,000; (b) offer to purchase at $6.50 per share, with any additional cash payment it receives by exercising the above mentioned option and other cash in its treasury, the 120,000 shares of its no par common capital voting stock owned by the public; and (c) liquidate and dissolve.

4. Northern Indiana proposes to issue and sell not exceeding $5,000,000 of its serial notes bearing interest not exceeding 3¼% per annum, payable semi-annually. The serial notes will be due semi-annually or at such dates over a period not exceeding fifteen years from the dates of the notes, and for such several amounts, as its officers may determine. The proceeds of the notes will be used, together with cash in Northern Indiana's treasury, to pay the above men-

tioned cash consideration for the purchase of the Gary Heat stock.

5. A plan will be adopted: (a) for the liquidation and dissolution of Gary Heat whereby all the assets of Gary Heat will be transferred to Northern Indiana as a liquidating dividend either subject to the liabilities of Gary Heat or upon the assumption thereof by Northern Indiana; and (b) Northern Indiana will reduce the capital represented by the no par common capital voting stock of Northern Indiana in such amount as may be necessary to absorb any property acquisition adjustment account that may finally result from the acquisition of the properties of the Gary Heat by Northern Indiana and transfer the amount of such reduction in capital to capital surplus; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on September 17, 1941, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed transactions are fair and equitable to all classes of security holders of declarants or applicants.

2. Whether the terms and conditions of the proposed sale of the common stock of Gary Heat to Northern Indiana, as they relate to reports, accounts, costs, maintenance of competitive conditions, disclosure of interest and similar matters, are detrimental to the public interest or to the interest of investors or consumers.

3. Whether the issue and sale by Northern Indiana of its common stock and notes are solely for the purpose of financing its business and have been expressly authorized by the Public Service Commission of Indiana.

4. The terms and conditions of the serial notes to be issued by Northern Indiana.

5. Whether the transaction will adversely affect the financial integrity or working capital of Northern Indiana.

6. Whether the acquisition of the nonutility assets of Gary Heat is reasonably incidental or economically necessary or appropriate to the operations of Northern Indiana.

7. What terms and conditions, if any, should be imposed by the Commission in the public interest or in the interest of investors or consumers to insure that adequate provision will be made to absorb any property acquisition adjustment account which may result from the acquisition by Northern Indiana of the properties of Gary Heat.

8. Whether it is necessary or appropriate to impose any other terms or conditions in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6104; Filed, August 18, 1941; 11:30 a. m.]